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HISTORY

OF

NORTH CAROLINA;

FROM THE EARLIEST DISCOVERIES
TO THE PRESENT TIME.

BY
JOHN W. MOORE.

VOLUME II.

"SIC VOLVENDA ÆTAS COMMUTAT TEMPORA RERUM;
QUOD FUIT IN PRETIO, FIT NULO DENIQUE HONORE."
—*Lucretius.*

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HISTORY OF NORTH CAROLINA.

VOLUME II.

CHAPTER I.

A. D. 1825 TO 1839.

Village of Murfreesboro in 1825—General La Fayette's visit—Fashionable Carolina weddings of that date—Death of General Thomas Wynns—John Q. Adams President of the United States—Colonel Lemuel Sawyer member of Congress—Other members of Congress—Duel between Dr. Vance and S. P. Carson—Assembly of 1825—B. Yancey and John Stanly Speakers—Stanly disabled by paralysis in debate—R. D. Spaight, J. M. Morehead, Alfred Dockery, J. L. Bailey and D. L. Swain members of the Legislature—Thomas Ruffin succeeds George E. Badger as Judge of Superior Courts—Party strife renewed under Mr. Adams' administration—Assembly of 1826—*Debutants* of the session—Judges Strange and Martin in place of Paxton, dead, and Nash, resigned—Jackson and Adams men—Death of Bartlett Yancey, and Governor Branch's resignation as Secretary of Navy—Defalcation of John Haywood—Robert Potter and the Banks—Thomas Settle, Speaker of the House, defeats him—Governor Iredell—Members of Congress—Death of Edward Jones—Presidential election—Jackson President—Resignation of Mr. Macon—John Owen Governor—Bedford Brown and W. J. Alexander Speakers—New members—Congressional elections—General Jackson and the United States Bank—Opening of the Dismal Swamp Canal—Baptist State Convention—Assembly of 1830—D. F. Caldwell and Charles Fisher Speakers—*Debutants* of the year—W. P. Mangum United States Senator—Difficulty with Governor Owen—D. L. Swain elected Judge of Superior Courts—Burning of the State House—North Carolinians abroad—Governor Swain—Death of Judge Murphy and Dr. David Caldwell—Mr. Clay forms the Whig party—North Carolina in Congress—Jackson re-elected—Removal of the deposits—Assembly of 1832—W. D. Moseley and Louis D. Henry Speakers—Other members—Montford Stokes Governor—Death of Judge Taylor—The first railroad—Assembly of 1833—Prominent members—W. A. Graham—Railroad Convention—Members of

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In the year of our Lord 1825, some notable events occurred in the history of the State. The village of Murfreesboro had greatly extended its limits and many worthy men had been added to the catalogue of its citizens. On February 25th, the village was thrown into a fever of excitement over the fact that Gilbert Motier, Marquis de La Fayette, was in Suffolk on his way to visit the town. He was no ordinary guest. A half century before, he had left his young wife and the splendors of court life in Paris, and had shed his blood in behalf of the struggling colonies. He had been a great and blameless actor since that time, in the French Revolution. He had landed in New York, August 15th of the previous year. He had uncovered his gray hairs at the tomb of his dead friend at Mount Vernon. He had been with the retired sage at Monticello, and, as guest of the nation, was visiting each of the States.

A town meeting was called, in which Dr. Borland presided and William Rea was Secretary. A committee, consisting of Colonel Brickell, Dr. O'Bryan, Lewis M. Cowper and John W. Southall, was to proceed at once to Sumerton to meet General La Fayette, to tender him a public dinner and to invite and escort him to Murfreesboro. William Rea, Dr. Borland, James Morgan, J. G. Rea and Dr. O'Dwyer, were constituted the committee of arrangements as to the reception.

February 26th, 1825, dawned dismally enough. All through the previous night the rain had fallen in incessant showers. The

steaming moisture rose in a dense fog. Long after the darkness of night had set in, General La Fayette and his suite arrived. Manney, in a speech of welcome, greeted the distinguished visitor, who very graciously replied. He must have grown weary of his ovation, for so many had to be introduced and shake hands, that it was eleven o'clock before they sat down to supper. Large crowds assembled the next day. At ten o'clock, on Monday, he started for Northampton Court. There he was greeted by Chief-Justice Taylor. He met and embraced his old comrade, Colonel William Polk.* Thus he passed from State to State in one continuous round of reverent greeting from the American people. On September 7th, after Congress had presented him with two hundred thousand dollars, and twenty-three thousand acres of public land in Florida, he sailed home in the new frigate *Brandywine*. With rare delicacy, the government had named her in honor of the first battle in which he participated in America, and in which engagement he was severely wounded.*

NOTE.—Early in March, the fashionable people of Eastern Carolina were greatly excited by the approaching nuptials of Mr. Govan, a Member of Congress from South Carolina, who was to wed the fair Mary Pugh Jones, a great belle and heiress in Northampton. On the evening of March 8th, Mrs. Collins, the wife of Josiah Collins of Edenton, with her two daughters, arrived in a coach and four on her way to the wedding. On the next day the bridegroom, accompanied by Governor McDuffie of South Carolina, and Mr. Archer, also a prominent representative from Virginia, reached Murfreesboro.† Big weddings were still in vogue, and Hertford had recently witnessed the marriage of Captain John Jones of Virginia, to Esther Cotton, the widow of the late James W. Moore. Captain Jones was the cousin of Willie and General Allen Jones, and was an officer in the Virginia Continental line during the Revolution. He lived at a noble country seat near Lawrenceville, in Brunswick county, and had much of the courtliness of his North Carolina kinsman. Mrs. Jones' sister, the widow Johnston, had, some years before, married her cousin, Cornelius Moore of Rich Square.

On June 5th, the Rev. Daniel Southall preached the funeral sermon of General Thomas Wynns. This distinguished public servant had been for eight

*Diary of Dr. Thomas O'Dwyer, 1825.

†Benton's View, vol. I, page 24.

A great sensation in the political world followed the election, by the House of Representatives, of John Quincy Adams to the Presidency of the United States. General Andrew Jackson had received a plurality of the electoral vote, but was defeated by the accession of Mr. Clay and his friends to the successful candidate. It aroused much indignation. John Randolph of Roanoke, with his accustomed bitterness, denounced the election as a coalition between the "Black Leg and the Puritan." The wronged and indignant Kentuckian held him responsible, and a duel was the consequence. Henry Clay was no doubt conscientious in his policy, but it resulted in his estrangement from the Democratic party he had so nobly led for years past in the House of Representatives. He alone, of those connected, sustained himself before the constituents. Every other Southern member of Congress, who supported Mr. Adams, was remanded to private life.*

In 1825, Lemuel Sawyer, who had been beaten two years before by Alfred M. Gatlin of Camden, once more became the representative of the Edenton Congressional District. Gatlin, in turn, was defeated and returned to Florida. Colonel Sawyer was something of a genius and sometimes wrote dramas that were objectionable on the score of morality. Had John Dennis and other wits of the Restoration been alive, they might have accused him of reproducing their smut as well as stealing their thunder. He was a sprightly and versatile man, and to occasional hypochondria added an inordinate love of Washington City. When, two years later, he was defeated by William B. Shepherd, he never returned to North Carolina, but remained until his death in the Federal capital.

Willis Alston was again elected to Congress this year, over Josiah Crudup. John H. Bryan of Craven, S. P. Carson of Burke, H. W. Conner of Lincoln, Weldon N. Edwards of Warren,

years living in retirement at Barfields. His wife had preceded him to the grave and he was buried by her side. Henry Manney, her brother, was then owner of the old family homestead, where their remains were deposited.

*Colonel Benton, vol. I, page 28.

†Dr. O'Dwyer's diary, 1825.

Richard Hines of Edgecombe, John Long of Randolph, Archibald McNeill of Moore, Willie P. Mangum of Orange, George Outlaw of Bertie, R. M. Saunders of Caswell, and Lewis Williams of Surry, were also members. Samuel P. Carson, in consequence of some disagreement during the canvass, slew Dr. Vance, his competitor, in a duel.* It was greatly regretted, as they were both honorable and useful men. Mr. Hines had been, the year before, a member of the Legislature, and with the term at Washington, ended his political experience. He was noted for the purity of his life and liberality of his views. He removed to Raleigh and spent the remainder of his days in elegant leisure.† Mr. Bryan was absent from his District, but was elected both to the Legislature and Congress.

Bartlett Yancey again presided in the upper House, and John Stanly in the other. During this session, and part of the next, the able member of Craven continued in this exalted position. He was then stricken with paralysis and disabled from all future usefulness.‡ The taint of bloodshed on the human soul is a fearful penalty to gratify revenge. When the first Governor Spaight was yet warm in his grave, in a letter to Governor Williams, John Stanly had been prophetic, when he said, he should not cease to deplore the fatal consequences of that duel. He was forgiven and greatly honored, but never forgot his dead victim.§

Several new men, destined to prominence and usefulness, had appeared recently in public life. Another Richard Dobbs Spaight was a member from Craven, and had inherited few of the shining qualities in the character of his famous father. The

‡NOTE.—Stephen F. Miller, in his "Recollections of New-Bern," intimates that the House was in Committee of the Whole when Mr. Stanly was taken upon the floor, and fell back in the arms of Robert Potter of Granville. He died August 3rd, 1834, at the house of Captain Armistead, U. S. A., who married his daughter.

*Wheeler, vol. II, page 61.

†Wheeler, vol. II, page 144.

‡Wheeler, vol. II, page 114.

sagacious and successful John Motley Morehead of Guilford, initiated movements that were to bring him fame and fortune.* A rugged and massive intelligence was observable in young Alfred Dockery of Richmond. A fluent elocution and evidences of legal ability were seen in John Lancaster Bailey, Commoner for Pasquotank. But greater and brighter than any of these, was the learned, eloquent and versatile David L. Swain, the self-made and glorious son of Buncombe. Long life, unceasing service and immortal fame were to be the guerdons of this young and unfriended mountaineer.

The Legislature of 1825, elected Thomas Ruffin of Orange, Judge, in place of George E. Badger, who had resigned in the month of May of that year. Never was a vacancy more completely filled. The greatest lawyer in the State's history made way for the greatest judicial intelligence. Badger was a great loss, but Ruffin as great a gain.

The administration of John Quincy Adams was the signal for the return of much of the party strife, which had characterized the rule of the second President of the United States. Mr. Adams had been elected as a Republican, but the opposition to his administration was composed exclusively of the leaders of that party. All of the Federalists were his supporters. In North Carolina they did not assume this unpopular name, but political divisions consisted of "Jackson" and "anti-Jackson" men. Parties were not yet known as "Whigs" and "Democrats," but mature Adams men, as a general rule, in a few years, all became members of the Whig party.†

Bartlett Yancey in the Senate, and James Iredell in the House, were the presiding officers of 1826. The new members of this Assembly were William P. Williams of Franklin, Robert Potter and George E. Spruill of Halifax, General Bridger J. Montgomery of Hertford, Bartlett Shipp of Lincoln, Thomas McGehee of Person, General Thomas J. Green of Warren, and

*Wheeler, vol. II, page 183.

†Colonel Benton, vol. II, page 70.

Governor Montford Stokes, who for the first time in his life, appeared as a member of the Assembly, being the Senator for Wilkes.* Messrs. Robert Strange of Cumberland, and James Martin of Rowan, were elected at this session, Judges of the Superior Courts.† The latter was son of Colonel James Martin of Guilford, who did so much service in the Revolution, and nephew of Governor Alexander Martin. They took the places of Judge Paxton, who died in November, 1826, and Judge Nash, who resigned the same year. Willie P. Mangum filled a temporary appointment by the Governor, but his commission as Judge expired during the fall. It will be remembered he was elected Judge in 1819, and resigned the next year.‡

In the second year of this administration, on the fiftieth anniversary of the national independence, John Adams died at his home in Massachusetts. His long rivalry with Jefferson embittered his dying thoughts. His last words were, "Jefferson still lives." He was mistaken. Far away in his mountain home, the form of the great Virginian was already stiffened in death. They had both grown immortal for the deed of 1776. They had long headed the opposing parties of the nation, and now on the recurrence of the proudest day of their lives, they had simultaneously departed. "How are the mighty fallen and the weapons of war perished."§

The harmony of Mr. Monroe's rule did not continue to his successor. John Quincy Adams had been elected as a Republican, but he soon found the leaders of that party arrayed against him, and in place of Federalist and Republican, the political parties of the nation became known as Jackson men and Adams men. The great hobby of the day was internal improvements. The general government expended more than six millions and a half dollars upon the Cumberland Road, and in 1827, under the usual annual appropriation for surveys, there were reported a batch of insignificant local jobs, that only needed to be read over to excite

*Journals,

†Revised Statutes, vol. II, page 531.

‡Revised Statutes, vol. II, page 531.

§Colonel Benton, vol. I, page 87.

the disgust of Congress and of the nation. Since that day, the improvement of harbors and navigable streams, and great railways for military defence, have succeeded these petty schemes of local advantage.*

Bartlett Yancey presided, for the last time, in the Senate at the session of 1827.† He was re-elected the following year, but died before the meeting of the Assembly. Very few men in the State's annals have exercised a larger influence in public affairs. His abilities and personal magnetism were such as to give him great ascendancy over those with whom he came in contact. He was the head and front of those who were laboring for the opening of the resources of the State by railways.‡ He largely aided the movement resulting in establishing the Supreme Court, and the Treasurer's and Comptroller's departments were likewise amended mainly at his suggestion.§ A painful occurrence had rendered the latter improvements necessary. John Haywood, who succeeded Memucan Hunt, as Treasurer, in 1787, was one of the best and most blameless of men.|| He had been without reproach in his important office for thirty-nine years, when, in 1826, in his advanced age, he surrendered his trust to the management of subordinates. It was discovered upon the Treasurer's death, that the affairs of his office were in the greatest confusion. No one imputed blame to John Haywood, but to some trusted agent. Colonel William Roberts was appointed in his place.**

Thomas Settle of Rockingham was elected, at this session, to the Chair of the House of Commons. He had served twice as

NOTE.—“Old Treasurer” Haywood was a cousin of the great lawyer of the same name. His brother, William H. Haywood, Sr., was Clerk of the Federal Court, and Stephen and Sherwood also were leading citizens of Raleigh. Sherwood married Eleanor, the daughter of Colonel Phil. Hawkins of Franklin, and Stephen married her sister Delia. Few families have been so noted for intelligence as these two, and like the Adams stock of Massachusetts, their qualities are yet unimpaired.

*Colonel Benton, vol. I, page 21.

†Wheeler, vol. II, page 78.

||Life of William Hooper.

‡North Carolina Manual, page 105.

§Wheeler, vol. II, page 80.

**Wheeler, vol. II, page 163.

a member of Congress, and was an orator of great power before juries or the hustings and in deliberative assemblies. His blameless life and unassuming manner made him universally beloved. He was to render high service in his firm resistance to the agrarian schemes of Robert Potter of Granville, who that year, for popular effect, raised an outcry against the management of the banks.* There were in North Carolina at this time, only the State Bank, the parent Bank of Cape Fear at Wilmington, and its branches at New-Bern, Raleigh and Fayetteville. Mr. Potter proposed the renovation of the bank charter, and was defeated in the House, only by the casting vote of Speaker Settle.† Judge Settle married the sister of Calvin Graves of Caswell, and still survives in his children.

Mr. Potter was not content with his crusade on the banks. His next piece of agrarianism was to introduce a bill for the decrease of the Judges' salaries. These high and important functionaries were paid at the time, eighteen hundred dollars each, as an annual salary. Their expenses, of course, were paid by themselves from this allowance, and yet the Granville demagogue, to curry favor with the unthinking, struggled to diminish this small sum. He was overwhelmingly answered in debate by Hamilton C. Jones,‡ the inimitable humorist of Rowan, and the disgraceful movement was arrested. No public man in the political history of North Carolina was ever so brutal and shameless as this arch agitator.

There were many prominent men in the Assembly of 1827. Among these were John Owen of Bladen, James Iredell of Chowan, William Gaston and Richard D. Spaight of Craven, Lauchlin Bethune of Cumberland, Louis D. Wilson of Edgecombe, John M. Morehead of Guilford, Jesse A. Bynum and George E. Spruill of Halifax, General B. J. Montgomery and Colonel John H. Wheeler of Hertford,§ William Davidson and

§NOTE.—Colonel Wheeler, who has been Treasurer, United States Minister to Nicaragua, and historian of the State, is the oldest son of John Wheeler of

*Wheeler, vol. II, page 164.

†Wheeler, vol. II, page 354.

‡Wheeler, vol. II, page 395.

William J. Alexander of Mecklenburg, Joseph A. Hill of Wilmington, John Scott and William Montgomery of Orange, John L. Bailey of Pasquotank, John B. Troy of Randolph, Charles Fisher and Hamilton C. Jones of Rowan, Emmanuel Shober of Stokes, General D. N. Bateman of Tyrrel, Abner Nash Vail of Washington, and Edmund Jones of Wilkes.

The Legislature elected James Iredell of Chowan, to succeed Governor Hutchings G. Burton, as the Chief-Magistrate of the State. Governor Iredell had married the daughter of Samuel Treadwell, Collector of the Post of Edenton. He removed permanently to Raleigh and was no more a citizen of the Albemarle country. He had already been a Judge and Speaker of Assembly, and was soon to achieve additional honors.*

The members elected to Congress this year were Messrs. Willis Alston of Halifax, Daniel L. Barringer of Wake, John H. Bryan of Craven, Samuel P. Carson of Burke, Henry W. Conner of Lincoln, John Culpepper of Montgomery, Thomas H. Hall of Edgecombe, Gabriel Holmes of Sampson, John Long of Randolph, Lemuel Sawyer of Camden, A. H. Shepherd of Stokes, Daniel Turner of Warren and Lewis Williams of Surry.† Weldon N. Edwards had declined re-election and Richard Hines of Edgecombe, was repaid for his defeat of Dr. Hall two years before.

Murfreesboro. His grandfather was a surgeon in the Revolution and received the dying General Montgomery in his arms, as he fell at Quebec. The first American of the name, was Joseph, son of Sir Francis Wheeler, an Admiral of Charles II. John Wheeler of Murfreesboro was a prosperous merchant, and left, besides Colonel John H., other sons: Dr. Samuel J. Wheeler of Willow Hall, in Bertie, and Colonel Junius B. Wheeler, Professor of Engineering at West Point Military Academy.

*NOTE.—Governor Iredell left several sons, and his daughters married Dr. C. E. Johnson of Raleigh, Cadwallar Jones of Hillsboro, and Griffith J. McRee of Wilmington. Major James Johnston Iredell was killed in the late war.

†Colonel Benton, vol. I, page 94.

Edward Jones, so long the Solicitor-General of North Carolina, was this year succeeded in office by John Scott of Hillsboro.* Mr. Jones was the brother of William Todd Jones, the Irish patriot. He was bred a merchant, but upon his failure in that business, became a lawyer and won high distinction in his new calling. He was kindly and true, besides being so talented that in the great fraud trials of 1796 he completely eclipsed the pretentious Blake Baker, then Attorney-General.† Mr. Scott eventually removed to Texas, where he became a Judge.

With the advent of 1828, there was much note of preparation for the Presidential election. John Quincy Adams and General Andrew Jackson were again candidates for that exalted position, and the canvass evolved much bitterness in its progress. The old hero of the Hermitage, was elected by nearly a hundred majority of the electoral votes. John C. Calhoun, on the same ticket, for the Vice-Presidency, received almost as large a support. His opponent was Richard Rush of Pennsylvania. It will be observed that both of the Democratic candidates were Southern men, and yet they received seventy three votes in the non-slaveholding States. The National Republicans at that time advocated high protective tariffs, internal improvements by the general government and a latitudinous construction of the Constitution. These principles received a severe check, and were never more forcibly disputed than by the imperious and sagacious Jackson. He had gained the most brilliant military victory in our annals, and was soon to become a great and successful administrator of the law.

General Montgomery and Colonel John H. Wheeler were the Representatives of Hertford, in the Commons. The latter had graduated in 1826, at Columbian College, and had recently come to the bar. He was more addicted to literature than law, and to a pleasant elocution, added a winning presence and address. Such was his popularity, that at the early age of twenty-four, he was

*Wheeler, vol. II, page 336.

†Wheeler, vol. II, page 290.

nominated by the Democratic party for Congress, but was defeated by William B. Shepherd.*

When the Assembly met, the burly form of the great Senator from Caswell was no longer seen in the President's Chair. Bartlett Yancey had been again selected, but died before the meeting of the Legislature. Much grief was felt at the public loss. Everybody had expected him to have filled the position made vacant in the United States Senate by the resignation of Governor Branch, who was made Secretary of the Navy by General Jackson.† Jesse Speight of Greene, became Speaker of the Senate, and Thomas Settle again, of the Lower House. The venerable and illustrious Nathaniel Macon, moved by his increasing years, tendered his resignation of his places as United States Senator, Trustee of the University, and Justice of the Peace for Warren county. For forty years he had been in the continued service of the people and State, at Washington City. John Randolph of Roanoke, had pronounced him the wisest of men. In this act, Mr. Macon justified that opinion by voluntarily retiring from public life. He was an old man, and great as his faculties doubtless were, the term of their vigor had well-nigh passed. A purer patriot and more incorruptible public servant never existed, and Mr. Jefferson had well remarked that "when Nathaniel Macon died the last of the Romans would have departed." The General Assembly elected Governor Iredell to succeed him in the Senate, but there was a vacancy in the seat lately occupied by Governor Branch until it was filled by the election of Bedford Brown, in the winter of 1829.‡

Among the *debutants* of this year, was Hardy B. Croom of Lenoir. He had graduated at Chapel Hill in 1816. He was highly cultivated both in the law and letters. There was much grief, in 1837, when it was known that he and his family had perished with the steamship *Home*, off Hatteras.§

*Wheeler, vol. II, page 210.

†Wheeler, vol. II, page 79.

‡Colonel Benton, vol. II, page 114.

§Wheeler, vol. II, page 223.

The Legislature elected John Owen of Bladen, Governor, in place of James Iredell.* He was the second son of Colonel Thomas Owen of Bladen, and like his brother, General James Owen, he added many virtues to a fine understanding and courtly manner. Willie P. Mangum was, at this session of the General Assembly, again elected to the bench of the Superior Courts.†

General Jackson became President on the 4th of March, 1829. He was to become one of the greatest statesmen of America, and was as efficient in civil administration as he had been in military operations. He was firmly fixed in those doctrines which Mr. Jefferson had enunciated, and was to uphold popular government as contra-distinguished from monopolies, and the ever aggressive tendencies of capital and privilege. Perhaps no other statesman then living, could have resisted the centralizing influences which he encountered and overcame. The genius, culture and capital of that day, were almost all arrayed against what he proposed, but with a few earnest supporters in Congress, aided by the great body of the people, he was to triumph over all opposition and establish each of his distinctive views as to the policy of the government. No other North Carolinian, in all our history, has so impressed himself upon his age. Mr. Macon was longer in the public councils, and was more universally venerated, but his wisdom was that of a Nestor, while Jackson stood as Agamemnon, "a born ruler and leader of men."

North Carolina, from the first, was one of those States which hesitated as to the great issues about to arise between the two wings of the Republican party. She clung to and supported General Jackson personally, but was to incline, before the end of his second administration, to the policy of his opponents. The history of the American government has demonstrated the superior wisdom of the masses to that of the educated and privileged few. Upon the formation of the Union, the bulk of the cultured men in all the States, arrayed themselves as Federalists, and

*Revised Statutes, vol. II, page 528. †Revised Statutes, vol. II, page 531.

adopted such a construction of the Constitution as practically made nugatory the restrictions upon its powers. The battle between Jackson and Clay was, in effect, a repetition of this same controversy. The great Kentuckian, with his United States Bank and Protective Tariffs, was but renewing the struggle of a chartered few at the expense of individual States and the people at large. Two other North Carolinians, Judge Hugh Lawson White, Senator for Tennessee, and Thomas Hart Benton, Senator for Missouri, were to be General Jackson's main defenders in Congress. Nor was William R. King, the Senator of Alabama in the same body, slack in his support of the great chief who had his origin in the same State with himself.

Bedford Brown in the Senate, and William Julius Alexander of Mecklenburg, in the House, were the presiding officers of the North Carolina Legislature of 1829.* Mr. Alexander's family were historic for their patriotic services. Abraham Alexander had presided on the famous 20th of May, 1775, at Charlotte. John McKnitt Alexander was Secretary of the Convention, and four others of the name had appended their signatures to the instrument which Thomas Jefferson called a "gigantic step of the county of Mecklenburg." Another of the name, Nathaniel Alexander of the same county, had been Governor in 1805. William J. Alexander had been prepared for the Bar by his relative, Archibald Henderson, and had succeeded his father-in-law, Joseph Wilson, as a Solicitor of the Seventh Judicial District.† He was a Chapel Hill man, of the class of 1816, and an able lawyer.

Among the new members of this year, was Dr. Alexander Wood Mebane of Bertie.‡ He was reared in Orange but had married his cousin, Mary Howe of the Hermitage, on Chowan River, and dwelt at that noble homestead. He was a man of large endowments. A devotion to the Democratic policy did not interfere with large and successful financial schemes. He was

*North Carolina Manual, pages 105 and 106. †Wheeler, vol. II, page 440.

‡Journals, 1820.

one of the leading fishermen in the broad waters of the Albemarle country. This business had received an enormous impetus since 1815. At that time, two Northern men had introduced a long seine, worked by windlasses and horse power, at Lawrence's Point on the Chowan, six miles below Colerain, and soon others were put in, two thousand yards in length, requiring six horses and fifty men and women in their handling. Prior to this time the spring catch had always been effected by means of short float nets and weirs. William S. Mhoon, subsequently State Treasurer, was also a member for Bertie. Daniel Moreau Barringer of Cabarrus, was another *debutant* who was to achieve position in the political world. He was the oldest son of General Paul Barringer, and had graduated at Chapel Hill, in 1816, in the same class with Mr. Speaker Alexander, John Y. Mason of Virginia, and others.* He was then freshly admitted to the Bar, where his courtly and genial manner enhanced the real merits of his understanding. Captain Otway Burns of Carteret, was an ancient mariner, who had exchanged the tempests off Capes Lookout and Hatteras for those metaphorical storms attendant upon those who would bask in popular favor. He had fought bravely in 1812, while commanding his good ship, *The Snap-Dragon*, and was victor in several severe engagements. Burnsville, in Yancey county, was named in his honor.† From Chowan came Samuel T. Sawyer. He was son of Dr. M. E. Sawyer, so long a member of the General Assembly. Major Sawyer was an attorney and a man of sprightly parts. Craven sent another son of Governor Spaight, in the person of Charles B. Spaight. He graduated at Chapel Hill in 1820. He died early, and his large estate became the property of his brother, the second Governor Richard Dobbs Spaight.‡ John D. Eccles of Fayetteville, was another star in the galaxy of brilliant lawyers then to be seen in Cumberland. William L. Long of Halifax, Alfred Stanly of Jones, William D. Moseley of Lenoir, and William B. Meares of New Hanover,

*Catalogue of Alumni.

†Wheeler, vol. II, page 467.

‡Miller's Recollections of New-Bern.

were young members of note, but yielded precedence to Richard Montford Pearson of Rowan, who then began his long and illustrious public service. Meshach Franklin had been for eight years a member of Congress, but had not been a member of the Legislature since 1801. He again appeared as a Senator for Surry.*

The Legislature filled the vacancy which had existed in the previous session of the United States Senate, by the election of Bedford Brown of Caswell. He was of the same school of politicians with Nathaniel Macon, and was to adhere rigidly to his doctrines of strict construction and States rights. In the Congressional elections of 1829, Willis Alston of Halifax, was again elected. So was D. L. Barringer of Wake, Samuel P. Carson of Burke, H. W. Conner of Lincoln, Dr. Hall of Edgecombe, and Lewis Williams of Surry. Edmund Deberry of Montgomery, succeeded Rev. John Culpepper. Edward B. Dudley of Wilmington, replaced Gabriel Holmes of Sampson. Robert Potter of Granville, Abraham Rencher of Chatham, Jesse Speight of Green, William B. Shepherd of Pasquotank, and A. H. Shepherd of Stokes, were also new members.† There was one vacancy which grew out of the singular fact that John Giles of Rowan, though elected, declined to serve, on account of his bad health.‡

General Jackson, in his first message, had used language which reflected upon the expediency and constitutionality of the Bank of the United States.§ This proved to be the beginning of a great and protracted political struggle. Robert Morris' old Bank of North America was the first of the fiscal agents of the kind in the country. Hamilton and Edmund Randolph, in General Washington's first administration, favored the establishment of a National Bank, but it was opposed by Jefferson, as beyond the powers granted by the Constitution. A bill chartering the "United States Bank" passed the Senate, February 22nd, 1791. It passed the House on the 8th of the same month; Messrs. Ashe, Bloodworth and Williamson of North Carolina, voting against it,

*Journals.

†Colonel Benton, vol. I, page 120.

‡Wheeler, vol. II, page 391.

§Colonel Benton, vol. I, page 158.

and Generals Sevier and Steele, in its favor. In 1811 it was re-chartered. In the Senate, Governor Franklin voting aye, and his colleague, Governor Turner, against him. In the House, the bill was opposed by Messrs. Macon, Willis Alston and John Stanly, but on its passage, the North Carolina members divided; Alston, Cochran, Meshach Franklin, Holland, Kennedy, Macon, Kenan and Sawyer voting against, and McBryde, Stanford and Stanly for it. In the act of 1816, a re-charter was again obtained, and the North Carolina members voted: ayes, Messrs. Edwards, Forney, Clark, King, Love, Murfree, Pickens, Williams and Yancey; Messrs. Stanford and Gaston voting in the negative. In this instance, the Republicans sustained and Federalists opposed the measure. This can easily be understood when it appears that Mr. Madison's administration favored the re-charter of the bank. In the Senate, Governor Turner voted for and Mr. Macon against the bill.* On high public grounds of danger to the people, General Jackson announced his hostility to any further extensions of the charter, and the bank and its friends at once took up the gauntlet, which was to result in the overthrow of the colossal moneyed corporation, which had become too powerful for the peace of the Republic.†

The Dismal Swamp Canal had been open for two years, and traffic from the waters of Eastern North Carolina was passing that way instead of going by sea through the dangerous inlets. In 1828, the bridge across the Pasquotank River at Camden Court House was still impassable to masted vessels, and a statute of that year provided for the placing of a drawer in it for the passage of such craft as might ply on the new canal. The work had been under construction since 1790.

In 1830, there was a meeting of the Baptists of North Carolina, in the first session of the State Convention. This occurred at Greeneville in Pitt county.‡ Elder P. W. Dowd of Wake was made President. Rev. Messrs. Thomas Meredith, Samuel

*Cluskey, pages 65, 66 and 68. †Colonel Benton, vol. I, page 158.

‡Minutes, 1830.

Wait, John Armstrong, W. P. Biddle, and laymen Peter P. Lawrence of Tarboro, and Charles W. Skinner of Perquimans, were the founders of this body, which now represents nearly a thousand churches and over one hundred thousand communicants. Stately colleges, influential journals, home and foreign missions, and a pervading and yet extending system of Christian charity were to be the outgrowth and effects of this assemblage of a few earnest and godly men. The Baptists had been numerous before, in the State, but this was their first step toward unity and effective co-operation.

David F. Caldwell and Charles Fisher, both of Rowan, were the Speakers of the two Houses of Assembly in 1830.* They were both lawyers, but Mr. Fisher did not pursue fortune in the courts, and was more absorbed in other matters. He was educated by Rev. Drs. John Robinson of Cabarrus, and William McPheeters of Raleigh. He had been often in the Legislature, and in 1819, had defeated John Long of Randolph, for Congress. He married Christina Beard of Salisbury, and was the father of Colonel Fisher, who fell at Manassas, in the beginning of the late war.† Mr. Caldwell was a Chapel Hill man and graduated in 1819. He and Mr. Fisher were often rivals, and at times unfriendly, but, like the Montagues and Capulets, love mocked at their enmities, and their granddaughter, Miss Frances Fisher, is now the joint descendant and honor of both.

The new members of this Assembly were Alexander F. Gaston of Craven, Council Wooten of Lenoir, Thomas Hill of New Hanover, and John Bragg of Warren.‡ Montford Stokes of Wilkes, was elected Governor, in place of John Owen of Bladen.§ The contest for United States Senator was between Governor Owen and Judge Mangum, and resulted in choice of the latter. A serious difficulty occurred between these eminent gentlemen, and a hostile meeting was only avoided by the interposition of their

*North Carolina Manual, pages 105 and 106. †Wheeler, vol. II, page 392.

‡Journals, 1835.

§Bevised Statutes, vol. II, page 528.

mutual friends.* Judge Mangum was to achieve great reputation in the course of his long service at Washington, but Governor Owen was no more to appear in the political arena, until, ten years later, he was chairman of the Whig national convention, which nominated General Harrison and Governor Tyler for the executive offices of the Union. David L. Swain of Buncombe, who had been for two years the Solicitor of the Edenton Judicial District, was made a Judge of the Superior Courts, in place of Senator Mangum. It seems at this day, a singular thing that the Legislature should have gone to the mountains to look for a Solicitor in the Albemarle Bar, where James S. Jones, Charles R. Kinney, Augustus Moore, David Outlaw, Jesse Wilson, Lewis Thompson, R. R. Heath and William Walton Cherry were to be found practicing in the courts there, and compared favorably with Mr. Swain or any other lawyer in the State.

Andrew Jackson was unquestionably a great man and a patriot, but God had given him a passionate and imperious soul. He was as impatient of opposition as John Adams, and first introduced the habit of wholesale removal of political adversaries from the Federal offices. Early in the year, a rupture occurred between the President and Mr. Calhoun. The growing sectionalism of the period culminated, the year before, in the famous debate in the Senate between Webster and Hayne. The protective tariffs were exclusively for the benefit of Northern manufacturers. Notes of anger and discontent deepened in South Carolina, and a thorough rehabilitation of party lines was close at hand.

The animosities and divisions of Washington City, had not, in 1831, obtained much influence on the political movements in Hertford county. Everybody there professed to be strong Jackson men. Jacob Hare steadily refusing to become a candidate for the Senate, General Bridger Montgomery was again elected to that position. Colonel John H. Wheeler having been defeated for Congress, had been appointed Clerk of the French Commission, and was no more a citizen of Hertford. He was succeeded

*Wheeler, vol. II, page 42.

in the House of Commons by Elisha A. Chamlee. The redoubtable Major Carter was replaced by Dr. Godwin C. Moore. It were better that another hand should portray the character and services of Dr. Moore, but the history of Albemarle would be sadly marred were a false modesty to ignore his merits. He had been educated at the Universities of North Carolina and Pennsylvania, and was highly valued as a medical practitioner. He, this year, married Julia Monroe, the daughter of John Wheeler of Murfreesboro. A womanly modesty and purity of life, and a forbearance and charity that realize the Laureate's ideal of the blameless king, were his distinguishing characteristics. His ample knowledge and understanding were adorned by a graceful and easy elocution. Some idea of the confidence of those who know him best is evinced from the fact that for thirty-seven years he has been continuously elected Moderator of the Chowan Association. He has ever resided at Mulberry Grove, the home of his ancestors.

In this Legislature, Rowan county again sent both the presiding officers—David F. Caldwell in the Senate, and Charles Fisher in the Commons. In the latter body, also from the same constituency, was Richmond M. Pearson. John Bragg of Warren, was likewise a member of the House. He had recently graduated at Chapel Hill, and was the oldest of six brothers. Three of them became famous in the land. His legal brethren, John R. J. Daniel of Halifax, and John M. Dick of Guilford, were likewise attending the Assembly. Judge Gaston and Richard Dobbs Spaight were members for Craven; Judge Toomer and Lewis D. Henry, for Cumberland. These polished and elegant gentlemen were noted for grace and power in their oratory, and a melancholy interest attaches to Mr. Henry, in the recollection of a misfortune that embittered his life. In his youth, for some trifling cause of offense, he and Thomas J. Stanly passed through the State and just beyond Somerton, over the Virginia line, had a hostile meeting, in which Stanly fell dead at the first fire. William D. Moseley was again with L. D. Wilson and S. T. Sawyer, a member of the General Assembly.

A great misfortune befell the State, in June of this year. The capitol was destroyed by fire. The carelessness of a mechanic engaged in repairing the roof, was said to have occasioned the disaster. The loss of the building itself was of less importance than the destruction of the celebrated Canova's statue of Washington. This was a noble recumbent figure, in Roman armor, which was said to have been in the happiest style of that great sculptor. Until the building of the new State House, the Governor's palace, and afterwards, a building on Fayetteville street, owned by B. B. Smith, were used for the sessions of the General Assembly.*

The Legislature of this year elected David L. Swain of Buncombe, late a Judge of the Superior Court, Governor of North Carolina. The great natural endowments and unwearied assiduity of the young mountain lawyer, had already lifted him to fame and fortune. His massive and uncouth frame contained a heart which overflowed with patriotism and devotion to his native State. No man has ever better known, or more sincerely loved North Carolina, than Governor Swain. He married the granddaughter of Richard Caswell, and most nobly and successfully emulated the virtues of that illustrious man.

The tide of emigration from the State was unabated in 1831. Israel Pickens had gone to Alabama and had become Governor of that State. The same Commonwealth had received William R. King of Sampson, and he was then a leading member of the

*NOTE.—This recalls the fact that a similar catastrophe befell the county of Hertford. On Saturday, August 22nd, 1830, a man named Wright Allen was said to have procured an incendiary to burn the court-house in Winton. Allen stood indicted for forgery, and was subsequently convicted and punished for altering the amount of a note given by Timothy Ridley of Manney's Neck. The culprit was a man of respectability and consideration, and his punishment at the whipping-post then created a great excitement. His object in procuring the burning of the court-house was to destroy the evidence of his crime in the forged note. But he failed in this, from the fact that the Clerk, Lewis M. Cowper, had it with him in Murfreesboro. The greater portion of the records was destroyed, and what makes the case peculiarly hard, this disaster was repeated by the United States troops on Friday, March 20th, 1862.

United States Senate. Judge Hugh L. White of Tennessee, in the same body with Thomas H. Benton of Missouri, and Spencer Jarnagan, a rising young lawyer belonging to a Hertford family, and many others, were illustrating other lands with genius and abilities, which, under happier auspices, would have remained at home. Hertford had already lost W. H. Murfree and Judge Manney. Colonel Wheeler had followed their example. Ere long James S. Jones, too, was gone. Dr. Euclid Borland and his brother Solon, who afterwards became United States Senator from Arkansas, with Richard J. Gatling, the inventor, were only a few of the many useful men, who at that period turned their backs upon the homes of their childhood.

Death had been busy with some of our proudest names. In 1824, Dr. David Caldwell, the eminent Revolutionary patriot and divine, died at his home in Guilford. Let him not be confounded with Dr. Joseph Caldwell, so long President of the University. This great and useful man survived until January 27th, 1835. Judge A. D. Murphy, while still in his glory at the Hillsboro bar, had died in 1829; James F. Taylor, the Attorney-General, on June 27th, 1828.

North Carolina, with embarrassed finances and bitter sectional struggles, silently awaited the development of affairs about Washington. An excitement, far surpassing the agitation consequent upon the passage of the Alien and Sedition Laws, was close at hand. Mr. Clay was fast forming a formidable opposition, but everything was chaotic and, as yet, undefined. Nicholas Biddle and the United States Bank were recognized by the President as agents of his enemies, and he had already recommended Congress that a new charter of the government fiscal agent should not be granted. A warfare like that of the Titans, was fast brewing, but the Nullification trouble in South Carolina and the wrath of the bank brought no dismay to the heart of General Jackson.

With Bedford Brown and Willie P. Mangum in the Senate, North Carolina also sent, in 1831, as her delegation to the House of Representatives, Daniel L. Barringer of Wake, Lauchlin Bethune of Cumberland, John Branch of Halifax, Samuel P. Car-

son of Burke, Henry W. Conner of Lincoln, Thomas H. Hall of Edgecombe, Micajah T. Hawkins of Warren, James J. McKay of Bladen, and Abraham Rencher of Chatham, William B. Shepherd of Pasquotank, Augustus H. Shepperd of Stokes, Jesse Speight of Greene, and Lewis Williams of Surry.

The excitement of another Presidential canvass came in 1832. General Jackson, on the 10th of July of that year, vetoed the act rechartering the United States Bank. This called up a storm of indignation on the part of Henry Clay and his friends. The American system of the latter only increased the discontent of South Carolina. A convention was called in that State, and on November 8th, the ordinance of Nullification was passed. Party strife was so high that civil war and a possible dissolution of the Union seemed near at hand. Messrs. Clay and Sergeant received but forty-nine of the two hundred and eighty-eight electoral votes. General Jackson was triumphantly re-elected to the Chief Magistracy, and with him, Martin Van Buren as Vice-President. South Carolina, by the mediation of Virginia and Mr. Clay's Compromise, (March 3rd, 1833,) forbore the threats of armed resistance to the Force Bill. Much discontent was felt at the South upon the reception of the President's proclamation, (December 10th, 1831,) and, upon the removal of the deposits of public moneys from the United States Bank, all elements of opposition consolidated, and the Whig party received that designation. It included a great number of patriotic and talented men, who were thoroughly exasperated at what they denounced as "encroachments of the Executive."

William D. Moseley of Lenoir, presided in the Senate of 1832. He was the son of Sampson Moseley, who participated prominently in the Revolutionary councils of North Carolina, and was grandson of Colonel Edward Moseley, who was for thirty years the leading lawyer and statesman of provincial days. He had not inherited much of his ancestors' ability, but was to win distinction both in his native State and Florida. He graduated at Chapel Hill in 1818, in the same class with James K. Polk, Bishop William M. Green, Rev. Dr. Robert H. Morrison, Peter

O. Picot and Hugh Waddell. His coadjutor in the Chair of the House was Louis D. Henry of Cumberland. He was born in New Jersey and educated at Princeton. He was the nephew of Edward Graham of New-Bern, who was also his instructor in law, and the father of his second wife; the first having been Lucy Hawkins of Franklin. Mr. Henry was learned, prompt and eloquent. A retentive memory enabled him to wield the stores of a wide reading to the discomfiture of his antagonists in debate.

In the previous Legislature, Lewis Thompson and David Outlaw of Bertie, had made their *debut* in public life. Mr. Outlaw was again a member of the House of Commons in 1832. He had graduated at Chapel Hill in 1824, along with John Bragg of Warren, James W. Bryan of Craven, Thomas Dews of Rutherford, William A. Graham of Lincoln, Matthias E. Manly of Chatham, Augustus Moore of Chowan, Broomfield L. Ridley of Granville, and others. He was the son of Raphael Outlaw and cousin of George Outlaw, then late a member of Congress. He was to become formidable in debate and universally admired for his marked ability and lofty integrity. Mr. Thompson was as highly endowed, and was possessed of such large wealth that he was induced to forego legal, and, to a great degree, political honors. He did not indulge in oratorical flights, but was ever heard with marked attention. All were persuaded of his rare judgment and skill in matters of finance. He, too, was a graduate of Chapel Hill in the class of 1827, in which A. O. P. Nicholson, Charles B. Shepherd, Warren Winslow and others took their degrees. Hugh McQueen of Chatham, was another young man of genius in this Assembly. He was fast achieving position at the bar, and was as eloquent as he was erratic. Charles B. Shepherd of New-Bern, was the brother of William B. Shepherd, then a member of Congress, and was also a graduate of the class of 1827, at Chapel Hill. Like his two brothers, he was talented and popular. Colonel Herod Faison of Northampton, Walter F. Leake of Richmond, John F. Poindexter of Stokes, Daniel W. Courts of Surry, Samuel B. Spruill of Tyrrel, and

Josiah Collins of Washington, were all intelligent and influential members.*

Romulus M. Saunders, then of Wake, had succeeded Robert H. Jones, in 1828, and was still Attorney-General. Judge David L. Swain this year succeeded Montford Stokes as Governor, and Henry Seawell and Thomas Settle were elected Judges of the Superior Courts. Chief-Justice Taylor had died in 1829, and was followed, as presiding officer of the Supreme Court, by Judge Henderson. John D. Toomer was appointed to the vacancy in 1829, resigned the same year and his place was supplied by Judge Thomas Ruffin. Judge John Hall having resigned in 1832, Judge Daniel of the Superior Courts was promoted to the Court of last resort.†

There had been for some years a strenuous spirit for the building of railroads in the State. A short track of iron had been used, at the suggestion of Mrs. Polk, the wife of Colonel William Polk, for hauling the stone quarried for the new State capitol.‡ In 1832 an act passed the General Assembly authorizing the extension of a railway, building in Virginia from Portsmouth, to the Roanoke River. Only a few miles of this line lay in North Carolina, but it was the beginning of the State's connections by rail with the outside world, and was important on that account. It is impossible to realize all the effects of this great improvement upon the old systems of transportation and travel. The great extent of American territory presented seeming impossibilities to any unity of thought and interest to outside observers, in the infancy of the nation, but steam and electricity have annihilated space, and this country, in 1880, is far more compact and accessible than were the Atlantic States upon the formation of the Federal Union.

In 1833, there was no change as to the Chairman of the Senate, but W. J. Alexander returned to that position in the House. Among the new members this year, were J. Malachi Haughton

*Journals, 1832.

†Revised Statutes, vol. II, pages 528 and 531.

‡Governor Swain's Tucker Hall Lecture.

of Chowan, Dillon Jordan of Cumberland, Joseph P. Caldwell of Iredell, William Johnson of Lincoln, and William A. Graham of Hillsboro. Mr. Haughton was a lawyer of respectability, and Mr. Jordan was soon to be made Judge of the District Court of Florida. Mr. Caldwell was the brother of Judge David F. Caldwell, and, like him, combined legal ability with high character and popular consideration, but all these, even then, yielded precedence to the stately and impressive member for Hillsboro. In Mr. Graham, the highest personal and intellectual attractions were combined. Not even Louis XIV. possessed so majestic a person. He was the son of General Joseph Graham of the Revolution, and had graduated at Chapel Hill in 1824. Learning, wisdom and propriety were his to a remarkable degree, and he was to become as dear to his countrymen as had been Nathaniel Macon or Richard Caswell. In that year, there was a great railroad convention, in which he and Joseph Alston Hill were the most conspicuous leaders. Mr. Graham advocated a system embracing three lines running through the State, north and south, but Mr. Hill, with even superior eloquence, persuaded the Convention to favor lines running east and west.*

In the Assembly of 1833, William H. Battle was also one of the members of the House of Commons, for Franklin. He was born and reared in Edgecombe, and graduated at the University in 1820. He belonged to the same family with Elisha Battle of the Revolution, and Dr. Jeremiah Battle, a distinguished citizen of the next generation. Like Sir William Blackstone, his progress at the bar had not then been commensurate with his deserts. He was learned, laborious and entirely conscientious as a jurist, and was to become a great ornament to his profession. He was an unspotted Christian gentleman and one of the wisest and best of men.

In the North Carolina elections for the Twenty-third Congress, the following Representatives were chosen: D. L. Barringer, Jesse A. Bynum, H. A. Conner, Edmund Deberry, James Gra-

*Letter from Captain S. A. Ashe, December, 1878.

ham, T. H. Hall, M. T. Hawkins, James J. McKay, Abraham Rencher, William B. Shepherd, A. H. Shepperd, Jesse Speight and Lewis Williams.*

The year 1832 had been signalized by the beginning of the first railroad in North Carolina. Another was commenced in 1833.† This was the greatest work of the kind that had been attempted anywhere in the world. It was inaugurated by the unaided exertions of the citizens of Wilmington, then a town of but two thousand inhabitants. Edward B. Dudley, P. K. Dickinson, Robert H. Cowan, Aaron Lazarus, James Owen, William B. Meares, W. T. Hort, Alexander McRae and James S. Green, were the bold spirits who pledged their own fortunes, and procured a city subscription of four hundred thousand dollars, when the whole real estate of Wilmington barely equalled that amount.‡ This line was intended, originally, to extend, as its charter indicated, from the lower Cape Fear to Raleigh, but was deflected to meet the Petersburg and Portsmouth roads at Weldon, and is one hundred and sixty-two miles long. Permission had been given, in 1830, for the Petersburg Railroad to approach the same point. A branch of this latter route was also chartered in 1833, called the Greenville and Roanoke Railroad. This connected Petersburg with the Roanoke at Gaston.

The Nullifiers and United States Bank men were still indignant and vociferous against General Jackson, in 1834. Nicholas Biddle was determined to be avenged for the withdrawal of the public deposits, and was the chief agent in producing the financial troubles of that day. The men who opposed the President's policy were known as "Whigs," and those supporting him, "Democrats."

The Legislature continued its old presiding officers, and was the last one which elected a Governor for North Carolina. The second Richard Dobbs Spaight was called to that high and responsible position. He was a very elegant and pleasant gentle-

*Colonel Benton, vol. II, page 2,081. †Revised Statutes, vol. II, page 335.

‡Wilmington *Sun*, Nov. 16, 1878.

man, his escutcheon was without taint or blemish, but still he lacked much of equaling the abilities of his illustrious father.

The long and unremitting struggle for constitutional amendment was this year concluded. On a close vote, by the aid of Eastern borough members, a bill was framed and passed, which submitted to the people of the State a proposition to call a Convention, which should be limited in its powers. The Convention bill contained a clause, directing, that in case a popular majority should sanction this measure, that each member of the Convention should take an oath that he would not be a party to any further alteration of the organic law of 1776, than what was specified in the enabling act.

The great Western majorities of course ratified the proposition of the Legislature. Eastern counties, without exception, were almost unanimously opposed to any Convention, or change in the Constitution. It was urged that the General Assembly had exceeded its powers in the restrictions named in the bill, and that the Convention would ignore this attempt to abridge its capacity. A selfish disregard of the notorious and palpable hardships, so long endured by the more populous regions, combined with fear of oppression by taxation, were the causes of the illiberal course of Eastern counties.*

The relations between the two races constituting the population of North Carolina at the period to which reference is made, were most unhappy and deplorable. The insurrection in the neighboring county of Southampton, in the State of Virginia,

*NOTE.—The year 1835, came upon Hertford with much excitement on these grounds. Dr. Isaac Pipkin, Kenneth Rayner, and Dr. G. C. Moore, were candidates for the Convention. Dr. Pipkin lived in Murfreesboro, and was a large and stately man. His wealth and connections gave him weight, but he was never noted for undue popularity. His habits and bearing were aristocratic, and he did not excel in political debate. He classed as a Whig, and was successful in this canvass. Hertford had fallen out with General Jackson, upon his removal of the deposits, and had gone over to his enemies. Kenneth Rayner was then a young man, on the threshold of a brilliant political career. His father, the Rev. Amos Rayner, was a Baptist preacher, who had lived in Bertie, and had there married a Mrs. Williams, who was a

produced a lasting train of disagreeable and unfortunate consequences. Nat Turner, a slave, by influence gained as a preacher, conceived and carried out a series of wanton murders of white people. Fifty-five men, women and children were ruthlessly slaughtered.* This occurred on August 21st, 1831. Swift vengeance followed the perpetration of the crimes. The banded negroes were first met by a party of white men in an old field, from which they retired and that night proceeded to attack the premises of Simon Blount. He was a man of wealth and position, and a helpless cripple at the time. Young Simon Blount, with the aid of a few white men and some of his father's slaves, bravely resisted them. The insurgents were led by a colored man named Hark. He approached the house with horrid imprecations upon the bed-ridden invalid. He was shot from his horse and his followers routed. Young Blount was honored by General Jackson, then President of the United States, with a midshipman's commission for his gallantry. Jealousy and distrust took possession of the Southern white people. An unreasoning fear and indiscriminate resentment disgraced localities far removed from and utterly unconnected with the scene of disturbance. Nat Turner's misdeeds silenced a thousand sable orators, and, for many years, robbed African religious observances of much of their former freedom and uproar.

The Convention, elected for the purpose of revising the Constitution of the State, met in Raleigh on Thursday, June 4th, 1835.

lady of fortune. He removed to Hertford county, and lived upon Wiccacon Creek, at the ferry near Harrellsville. Parson Rayner did not afford his son, Kenneth, the best educational advantages, but the intelligent youth was not slow to improve his opportunities, and soon gave tokens of unusual ability. A fluent and impassioned oratory, first used in denunciation of General Jackson's proclamation against the nullifiers, was not successful, for he was defeated for the Legislature in 1834. The commercial distress consequent upon the machinations of the United States Bank, and its friends, wrought the change in Hertford, and the fiery-tongued disciple of Calhoun was also elected to the Convention.

*Wheeler, vol. II, page 210.

At 3 o'clock P. M., handsome and courtly Charles Manly, Chief Clerk of the House of Commons, by request, proceeded to organize the Convention.* No parliamentary body in our history had assembled so many distinguished North Carolinians. Nathaniel Macon, bending beneath the weight of years, appeared as a member for Warren, and was elected President. His lofty and unstained character, his long and illustrious service and the boundless confidence in his integrity, eminently fitted him for the position. Taking the counties alphabetically, David Outlaw of Bertie, was the first historic name occurring in the list of members. Colonel Outlaw had been for three sessions a member of the Legislature, and had therein established reputation for power in debate. Our State had produced no man more magnificent in invective and the massive proportions of his statement and argument. He needed great occasions and something to stir the depths of his emotion, to realize the extraordinary strength and fire of his oratory. A kind heart and an utter absence of all guile, complete this picture of a man thoroughly honest and noble in all his impulses. Governor John Owen of Bladen, with Frederick J. Hill of Brunswick, and Governor Gabriel Holmes, well sustained the traditional intelligence and culture of the Cape Fear region. David L. Swain, late the Governor of the State, was one of the members from Buncombe. On this new intellectual arena he greatly extended his ascendancy in North Carolina, and, with the single exception of Judge Gaston, was the most powerful and useful member of the body. This was his last political service, for he was chosen a few months later to succeed Dr. Joseph Caldwell, in the Presidency of the University. Samuel P. Carson of Burke, late a member of Congress, was also a prominent and useful member of the body. Burgess S. Gaither, then a young lawyer of much promise, was also a representative of Burke. Daniel M. Barringer of Cabarrus, a young scion of a house which had been long prominent in our State, gave abundant tokens of his future usefulness.

*Debates in Convention, page 1.

He graduated in 1826, at Chapel Hill, and was as much respected for his intelligence, as beloved for the ease and grace of his manner. One of the finest orators of the whole body, was James W. Bryan of Carteret. He was the brother of John H. Bryan, late a member of Congress, and was conspicuous for his culture and grace. Placid Calvin Graves of Caswell, and eloquent Hugh McQueen of Chatham, as did all others, yielded precedence to the stately and illustrious William Gaston of Craven. This great man had for his colleague, the polished and genial Richard Dobbs Spaight, who was at the same time Governor of North Carolina. John D. Toomer, late a Judge of the Supreme Court, a distinguished graduate of the University, united legal ability to fine elocution and literary culture. He was a native of Wilmington, and represented Cumberland in the Convention. General Louis D. Wilson, a favorite son of Edgecombe, represented that county. Josiah Crudup, late a member of Congress, with kindly and learned Robert B. Gilliam, appeared for Granville. Jesse Speight of Greene, at that time a member of Congress, and John M. Morehead of Guilford, were also men of mark. Halifax sent Governor John Branch, who had lately resigned his place as Secretary of the Navy under General Jackson. His colleague was Joseph J. Daniel, one of the Supreme Court Judges, a most learned and excellent man. His great knowledge, unaffected simplicity and spotless purity of life, made him an ornament to the State he so faithfully served. Kenneth Rayner of Hertford, was committed, by the sentiments of his constituency, to a line of simple opposition to every proposed change in the Constitution. This sadly fettered the wings of the young eagle who so eagerly watched the progress of the debates. Bartlett Shipp of Lincoln, Asa Biggs of Martin, Jesse Wilson of Perquimans, and Alfred Dockery of Richmond, were all prominent and useful members. Charles Fisher of Rowan had been a member of Congress and was also greatly respected. His colleague, John Giles, was the only man ever elected in North Carolina to the United States Congress, who declined serving therein. Sampson was represented by William B. Meares. He was a leading lawyer in the

Cape Fear region. General H. G. Spruill of Tyrrel, Weldon N. Edwards of Warren, Dr. Smith of Orange, E. Shober of Stokes, John L. Bailey of Pasquotank, J. B. Skinner of Chowan, Judge Seawell of Wake, and James Wellborn of Wilkes, complete this catalogue of able and distinguished men.

One of the first changes effected in the Constitution, was the abolition of borough members from the House of Commons. New-Bern, Edenton, Wilmington, Halifax, Fayetteville, Hillsboro and Salisbury had been represented by special members in the Lower House, in addition to the regular annual county delegations. Some of these were denounced as "rotten boroughs," and Judge Gaston, and many of the leading lawyers, vainly pleaded for a continuance of the ancient custom. It was ordained that each county paying one-fiftieth of the State tax, should be entitled to one Senator. The members of the House of Commons were based upon population.

Great opposition was made by Jesse Speight, Jesse Wilson of Perquimans, and others, to fixing the number of members of the House of Commons at 120. They insisted that so large a number would, on joint ballot, be unjust to the East, though that section had a majority of Senators. But they were overruled, and, for the first time in our history, reason and justice prevailed in apportioning popular representation in the two Houses.

The next alteration was a step backward. Under the Constitution of 1776, the free negroes of North Carolina had been permitted to vote. There was no provision in the organic law which explicitly gave them this privilege; but after the Revolution, they, by degrees, acquired the habit of voting. The best and most enlightened men of both parties vainly endeavored to continue the franchise to such as should possess a small freehold qualification; but this was rejected. The growing sectional feelings between the North and South deafened the ears and steeled the hearts of our people too often, when justice and mercy were indicating larger privilege and protection to the unhappy free blacks. Judge Gaston, Judge Daniel, Charles Fisher and William B. Meares,

fruitlessly reminded the Convention of the fact that these men were taxed and, therefore, entitled to representation.

Some of the ablest speeches heard in the whole progress of the Convention, were made on the proposition to abolish religious tests of office. Under the Halifax Constitution, adhesion to the Protestant faith was made a requisite for those holding office under its provisions. A strict enforcement of this provision would have excluded from office Judge Gaston, Judge Donnell and Judge Manly, besides other men of mark in the State. The Convention having passed an ordinance for biennial sessions of the Legislature, and other less important matters, adjourned July 11th. The new Constitution was submitted to the people and was ratified by 5,165 majority; 26,771 votes being cast in its favor, and 21,606 against it.

Among other changes, the new Convention provided for the election of Governor by the people instead of the General Assembly. Richard Dobbs Spaight was nominated by the Democratic party for that high position, of which he was already the incumbent. Edward B. Dudley of Wilmington, was selected by the Whigs to oppose him, and he was elected by a considerable majority.* The Whig party obtained ascendancy in the State, which they retained for sixteen years, and did not lose until the election of Governor Reid in 1851. The Congressional elections of 1835 resulted in the choice of Jesse A. Bynum, Henry W. Conner, Edmund Deberry, James Graham, M. T. Hawkins, J. J. McKay, William Montgomery, Ebenezer Pettigrew, Abraham Rencher, W. B. Shepherd, A. H. Shepperd, Jesse Speight and Lewis Williams.

The great reaper had not ceased from his labors in these years. On January 23rd, 1833, in his English home, Colonel Bonastre Tarleton, the famous British cavalry leader, who had so bravely fought in the Revolution, came to his end. His old commander, the Marquis of Cornwallis, had long ago preceded him, having died at Calcutta, October 5th, 1805. On January 14th, 1834,

*Wheeler, vol. II, page 293.

the gallant and honored Colonel William Polk, the last surviving officer of the North Carolina Continental line, died at his home in Raleigh.* He was one of the band who participated in the Mecklenburg Declaration. Two years later, on November 21st, General Joseph Graham, the early friend and compeer of Colonel Polk, died at his residence in Mecklenburg. His venerable frame was covered with honorable scars, and, closing his long and proud career, he left to the State, a son, destined to become even greater than himself.

The year 1836 was the last of General Jackson's rule as President. He had controlled public affairs for eight years, with eminent advantage to the nation. The Indians were removed across the Mississippi, and thirty-seven and a half millions of dollars, arising from sales of public lands and accumulated in the Treasury, were distributed among the States. North Carolina received a million and a half of this amount, and it became the Common School Fund.† In this year was another Presidential election. Martin Van Buren of New York, and Richard M. Johnson of Kentucky, were chosen President and Vice-President of the United States. General Harrison and Judge White were the defeated aspirants for the national Chief-Magistracy.‡

Hugh Waddell of Orange, presided in the Senate of 1836. He had graduated at Chapel Hill in the distinguished class of 1818, and was a prominent member of the brilliant Hillsboro Bar. He was the great-grandson of General Hugh Waddell and Judge Maurice Moore. He was the son of Major John Waddell of Bladen, who married the daughter of General Francis Nash.§ He was, says McRee, "an admirable specimen of refined manners, unrivalled address and nice sense of honor; distinguished as a politician and jurist, and yet one who graced a drawing-room by his amenities, brilliant conversational powers and a regard for the feelings of others as sleepless as delicate."§

*Munsell, page 28.

†Holmes, page 235.

‡Colonel Benton, vol. I, page 683.

§Life of Iredell, vol. II, page 16.

In this Assembly, as in that preceding, William Henry Haywood, Jr., of Wake, presided in the House of Commons.* He was the son of him who bore the same name, and was so many years Clerk of the Circuit Court of the United States for North Carolina. He had graduated in 1819, at Chapel Hill, along with Judge Walker Anderson, Judge Caldwell, Owen Holmes, James T. Morehead and others. He was strikingly handsome, and alike brilliant and profound as an advocate and statesman.

In this Legislature, was seen for the first time, Frederick C. Satterthwaite of Beaufort, who was achieving position at the bar where young William B. Rodman, who that year left Chapel Hill, was, ere long, to grow famous. Frederick J. Hill of Brunswick, sustained the historic renown of his house and region. Dr. Thomas H. Hall, who had been so long a prominent member of Congress, appeared as Senator for Edgecombe, and was no more in public life. John D. Hawkins of Franklin, Robert B. Gilman of Granville, James T. Morehead of Guilford, Andrew Joyner and B. F. Moore of Halifax, Kenneth Rayner of Hertford, Michael Hoke of Lincoln, William A. Graham of Orange, Josiah T. Granberry of Perquimans, Alfred Dockery of Richmond, David S. Reid of Rockingham, Hezekiah G. Spruill of Washington, Weston R. Gales of Wake, and Weldon N. Edwards of Warren, were the leading members. Several of these were new members and destined to usefulness and distinction.*

Chief-Justice Henderson died in August, 1833. He was succeeded by Judge Ruffin, and William Gaston was, the same year, elected to the vacancy on the Supreme Court bench. Few human tribunals have embodied so much learning, dignity and worth, as were then exemplified in the persons of the three wise men upon the bench of that court.

Judge Seawell died in October, 1835, and several other Judges had resigned, so that the Superior Courts were presided over the next spring, by Judges Thomas Settle of Rockingham, R. M. Saunders of Wake, John M. Dick of Guilford, John L. Bailey of

*Journals, 1836. †Revised Statutes, vol. II, page 523.

Pasquotank, Frederick Nash of Orange, R. M. Pearson of Rowan, and John D. Toomer of Cumberland. Their salaries then were to nineteen hundred and fifty dollars each.*

Gavin Hogg, so long the leader of the Bar in North Carolina, was at this time dead, and George E. Badger, who had resigned his place as Judge of the Superior Court in 1835, had succeeded to the lead of the profession in the State. In the Edenton circuit, a number of able young lawyers were seen. Thomas Bragg of Northampton, gave early tokens of his consummate ability as an advocate. William N. H. Smith was ever his worthy compeer and rival. In learning, eloquence and unfailing discharge of full duty to every case, they have been rarely equaled and never surpassed. Then, too, was to be seen Augustus Moore of Chowan. This patient, laborious and able jurist, died in the very meridian of his usefulness. Colonel David Outlaw, near-sighted and vehement, and his rollicking, brilliant and versatile cousin, William W. Cherry, were also regular practitioners.†

The spirit of internal improvement was still unabated. The Raleigh and Gaston Railroad had been chartered the year before. New routes were authorized, but never built.‡ One was from Norfolk to Edenton, another from Cincinnati to Charleston, another from Beaufort to some point on the Tennessee line, another from Raleigh to Columbia, in South Carolina. This great ramification and network of railways was proposed to be built by a people, the expenses of whose State government at that day did not exceed seventy thousand dollars a year.§ The State only granted aid to the Wilmington and the Gaston routes, and these were soon ready for transportation.

†NOTE.—Colonel Samuel B. Spruill of Northampton, with R. R. Heath of Chowan, and W. D. Valentine of Winton, were also among the actors of that vanished period.

Jesse Wilson of Perquimans, about this time died while attending court. He was a man of good-natural parts, but woefully deficient in early culture.

*Revised Statutes, vol. II, page 531. ‡Revised Statutes, volume II, page 531.

‡Debates in Convention, 1835.

In 1837, William Biddle Shepherd declined being again a candidate from the Edenton District. He was the near kinsman of Colonel Nicholas Biddle of Philadelphia, so famous in those days as the President of the United States Bank. Mr. Shepherd married the daughter of Josiah Collins of Edenton, and was alike distinguished as a lawyer and statesman. Though conspicuous as a politician in a time of intense party feeling, he was ever moderate and courteous, and was as much respected by the Democrats, whom he opposed, as by the men of his own party.* Samuel T. Sawyer of Edenton, was nominated by the Whigs as Mr. Shepherd's successor, whom the Democrats opposed with Dr. Godwin C. Moore of Hertford. The election resulted in the choice of Mr. Sawyer and of Jesse A. Bynum, Edward Stanly, Charles B. Shepherd, Micajah T. Hawkins, James J. McKay, Edmund Deberry, Abraham Rencher, William Montgomery, Augustine H. Shepperd, James Graham, Henry W. Conner and Lewis Williams.† Judge Robert Strange had been elected by the last Legislature, to the United States Senate, and succeeded Judge Mangum in that body. The new Senator was a Democrat, while his predecessor was a Whig in his politics. Judge Strange was remarkable for his grace and culture. A brilliant orator and a polished wit, he united literary and social graces. North Carolina was ably represented at this time in the national councils.‡ Colonel McKay was a leading member of the House of Representatives, and was made Chairman of the Committee of Ways and Means. His subtlety and expertness in parliamentary proceedings, were brilliantly illustrated in cutting off the malignant tirade of Slade of Vermont, when that abusive man had driven a large portion of the Southern members in impotent rage from the House. Edward Stanly had inherited much of his father's strength and frailties. He was talented, eloquent, and prone to bitter words in debate.§ Like his father and brothers, he was often in quarrels, and fought a duel with

*Wheeler, vol. II, page 339.

†Colonel Benton, vol. II, page 28.

‡Wheeler, vol. II, page 130.

§Miller's Recollections.

S. W. Inge, a member of Congress from Alabama; but this did not result as tragically as such encounters generally did where men of his family were concerned. John Stanly had slain Governor Spaight in 1805. Seven years later Thomas J. Stanly was slain in a duel by Louis D. Henry. Richard Stanly, another brother, fell in a similar affair in the West Indies.* Lewis Williams had already been a member for twenty-two years, and was universally beloved and respected for his noble discharge of duties, which were only to end with the lease of his life.† James Graham did not equal his brother, William A., in those indefinable qualities which attract and fix the people's affections, but he was a wise and able man, and retained his position until he voluntarily abandoned public affairs for the quiet and rest of his home in Lincoln.‡ Augustine H. Shepperd and Charles B. Shepherd were both lawyers of note. Mr. Rencher was a graduate of Chapel Hill, in the class of 1822, and, like Rev. Dr. William Hooper and W. H. Hardin, married a daughter of Edward Jones, the late Solicitor-General.§

President Van Buren found great trouble in the dying struggles of the United States Bank. Like blinded and despairing Sampson, it seemed that Colonel Biddle and his supporters were determined to bankrupt every fiscal institution in the nation, to glut his revenge for General Jackson's removal of the public deposits. It seems amazing at this day, that patriots like Henry Clay and Daniel Webster, should have aided in his disastrous and frantic measures.|| That the public good, the fortunes of innocent thousands and the good name of the American people, should have all been forgotten in their conspiracy to force the government to yield to the demands of a tyrannous money-king, is one of those sad facts which go to justify the slanders of monarchists, and continue the doubts of good men as to the capacity of mankind for self-government. The Sub-Treasury was to de-

*Miller's Recollections.

†Henry Clay's Eulogy, 1842.

‡Wheeler, vol. II, page 247.

§Wheeler, vol. II, page 85.

||Colonel Benton, vol. II, page 9.

liver the nation from these evils until another party rage should come as a tidal wave in 1861, and again, in war and revolution, connect the government with such extraneous fiscal engines as should warp it from legitimate popular uses, and convert it to the ends of those who make legislation a blessing only to a few, without regard to the interests of the masses. Amid the bitter contests of the Democrats and Whigs, over the Bank and Tariff, the hideous spectre of a still more dreadful issue was continually thrusting in its appalling front.* The question of slavery, which it had been hoped, was settled in 1820, was far from solution.

The men who had agreed that the vast territory north of Mason & Dixon's line should be sealed against slavery, were now told that they were not bound to admit slave States south of that parallel. Forty-eight Northern Representatives, in 1836, voted against the admission of Arkansas, simply upon the ground that slavery was recognized in the new State's Constitution. Lewis Williams of North Carolina, voted with them, as did Messrs. Jones of Virginia, Pearce of Maryland, and Underwood of Kentucky.† Anti-slavery petitions and agitation were surely paving the way to the final catastrophe of blood and ruin to the South.

Colonel Andrew Joyner of Halifax, presided in the Senate of 1838. He was born and commenced public life in Martin, but had removed to Halifax, where he had married the widow of Governor Burton, who was the daughter of Willie Jones. He was a large man, of good judgment and excellent traits.‡ He did not equal many of the old Halifax representatives, in eloquence, but he was wise and just, and mainly by his own merits arose to prominence. William A. Graham of Orange, was Speaker of the House.§ The Whigs had carried both branches of the Legislature. Among the new members of this Assembly, were Patrick Henry Winston of Anson, Walton Cherry of Ber-

*Colonel Benton, vol. II, page 134.

†Cluskey, page 59.

‡Wheeler, vol. II, page 201.

§North Carolina, Manual, page 106.

tie,* John S. Guthrie of Chatham, Rufus K. Speed of Gates, Robert Treat Paine of Chowan, Spier Whitaker of Halifax, Green W. Caldwell of Mecklenburg, William B. Shepherd of Pasquotank, Joseph McDowell Carson of Rutherford, Nathaniel Boyden and Richard C. Puryear of Surry, William Eaton, Jr., of Warren and Curtis H. Brogden of Wayne.* The gubernatorial contest before the people of the State, between Governor Dudley and ex-Governor Branch, resulted in the election of the former. Governor Branch was no more in public life in North Carolina, but in 1843 was appointed by President Tyler as Governor of the Territory of Florida, where he remained until shortly before his death, which occurred during the civil war.† The Legislature was busied with arranging the common school districts. These were to be six miles square, or less, in size. The interest on the million and a half dollars received from the Federal government, together with dividends received of bank stock, the Cape Fear and Roanoke Navigation Companies, the tax on retailers of liquors, taverns, sale of vacant lands and swamp lands constituted the school fund. The county courts were to appoint ten superintendents for each county, who were to select for each district, the school committees; who were to contract with teachers, visit the schools and perform all duties necessary.§

William Slade of Vermont, in his famous tirade on the subject of slavery, which has already been mentioned in connection with General James J. McKay, had produced such a feeling that, the next day, John M. Patton of Virginia, introduced the famous "Twenty-first Rule." This placed all petitions, memorials and papers touching the abolition of slavery, or the buying or selling,

*NOTE.—Mr. Cherry was nephew of the distinguished William Cherry, who died in 1810, aged twenty-seven years. His father was Solomon Cherry, and he had two brothers, Joseph Blount and Solomon, who are also men of ability. He was first cousin to Colonel David Outlaw, and married Mary Etheridge.

*Journals, 1838.

†Wheeler, vol. II, page 201.

‡Wheeler, vol. I, page 134.

or transferring of slaves in any State, District or Territory of the United States, on the table, without being debated, printed, read or referred, and no further action whatever should be had thereon.* This calmed a mad tumult which one fanatic had excited, and the Northern men who voted for Patton's rule, as a general thing, lost nothing of popularity at home. Mr. Clay took occasion to denounce the truculent intentions of the Abolitionists during the same session, and demonstrated their criminal purposes as to the peace and rights of the Southern States. He said there were some Northern men who were like the Quakers, and were Abolitionists through philanthropy, others were agitators simply because they thought the right of petition had been violated by Congress, but that there was a third class who disregarded the Constitution, the rights of the States, of the people and the public peace, and were prepared to precipitate war and revolution on this matter of domestic concern to the South.†

In 1839, the North Carolina delegation in Congress consisted of Bedford Brown and Robert Strange, in the Senate, and Jesse A. Bynum of Halifax, Henry W. Conner of Lincoln, Edmund Deberry of Montgomery, Charles Fisher of Rowan, James Graham of Rutherford, M. T. Hawkins of Warren, John Hill of Stokes, J. J. McKay of Bladen, William Montgomery of Orange, Kenneth Rayner of Hertford, Charles Shepherd of Craven, Edward Stanly of Beaufort, and Lewis Williams of Surry. Charles Fisher had defeated Abraham Rencher in the Salisbury District. John Hill had likewise temporarily unseated A. H. Shepperd, as was the case with Kenneth Rayner in his discomfiture of Samuel T. Sawyer in the Edenton District. Major Sawyer had become a Democrat while in Washington, and thereby lost his place. The party feelings of that day were intensely malignant. Whigs and Democrats regarded each other as public enemies, devoid of patriotism and gentility. They had been so, lately, all good Republicans, that, as in all family quarrels, their ill-temper was boundless.‡

*Colonel Benton, vol. II, page 153. †Colonel Benton, vol. II, page 155.

‡Debates in the Twenty-fourth Congress.

The Southern people grew restless and impatient under the continuous denunciations and movements of the emancipationists. The spirit of liberality to the black people, and of philosophic inquiry as to the justice and profit of the institution of slavery was quenched in resentment against men who so rudely intruded upon what they regarded as matters of their own concern, and it became so, that all freedom of speech on the subject was banished from the slave-holding States. Wrong always begets wrong. The negro slave entailed curses on his master and all around him, while the Abolitionists rivetted for years the bonds of the helpless people they pretended to serve, and made hopeless any solution of a great problem, but in seas of blood.

Besides the impetus given to education in the establishment of the common schools, in 1838, a year before the Presbyterian Synod of North Carolina had established Davidson College in Mecklenburg county.* This institution, which has ever since been so useful as a nursery of letters, was named in honor of General William Lee Davidson. It received its charter from the Legislature in 1838, and was put under the control of Rev. Dr. Robert Hall Morrison. This able divine, who so happily blends elegant scholarship with the sanctities of his calling, graduated at Chapel Hill, in the famous class of 1818.† The Baptists had founded a classical school at the residence of General Calvin Jones, in Wake county, in 1834.‡ This was also chartered in 1838, as a college, under the Presidency of the wise and excellent Rev. Dr. Samuel Wait. This good man was born in Connecticut and educated at Brown University. Wake Forest College was mainly founded with the view of educating the ministers of the Baptist denomination in North Carolina. It has most nobly served this purpose and, besides, given many eminent men to the councils, courts and professions of the State.

†NOTE.—Dr. Morrison is the father of the wives of Generals T. J. Jackson and D. H. Hill. He married the daughter of General Joseph Graham. He did not long continue with the College, but became the pastor of Union and Machpelah Churches.

*Wheeler, vol. I, page 129.

‡Governor Swain's Tucker Hall Lecture, page 10.

CHAPTER II.

A. D. 1840 TO 1846.

General Jackson as a statesman—Judge White, Colonel Benton, Spencer Jernagin, Governor King and others—North Carolinians abroad—Messrs. Smith and Spiers—The campaign of 1840—Colonel Joyner and W. A. Graham—James T. Morehead—Colonel Michael Hoke—T. L. Clingman and others—North Carolina politics—J. M. Morehead and Judge Saunders—Members of Congress—Assembly of 1842—General Wilson and Calvin Graves Speakers—Thomas S. Ashe, W. W. Avery, Duncan K. McRae and others—Democrats carry the Legislature—Louis D. Henry beaten by Governor Morehead—W. H. Haywood chosen United States Senator—John Tyler as President—Mr. Clay and the extra session—The President and his party—Failure of Whig policy—Congressional elections—Party rancor—W. A. Graham Governor—Presidential election—James K. Polk—Assembly of 1844—Gaither and Stanly Speakers—John W. Ellis, W. W. Cherry, N. W. Woodfin and David A. Barnes—Death of Judge Gaston and Governor Owen—Annexation of Texas—Increase of cotton culture—Death of W. W. Cherry and C. R. Kinney—Messrs. Biggs and Outlaw—War with Mexico—General Wilson leaves the North Carolina Senate—North Carolina Regiment under Colonel Paine—Jones and Johnson duel—Assembly of 1848—General Saunders and the Baltimore Convention.

General Jackson's administration expired on March the 4th, 1837. He was one of the greatest Presidents. Nature had endowed him with large and discriminating mental faculties, and a will that was as strong and imperious as that of Julius Cæsar. He never exceeded what he honestly believed the just powers of the Executive, but in every emergency, was sure to go to the extreme length of his tether. He rendered the greatest services to his country, and though he brought dissensions, he left the Democratic party fully organized and triumphant in the land. Judge Hugh L. White had been for years a leading member of the United States Senate. For a considerable time he was General Jackson's shield and buckler in that body. A coldness grew between them, attributed, by Colonel Benton, to the influence of

Mrs. White.* Tennessee had another great lawyer, born in North Carolina, who rose to be United States Senator, in the person of Spencer Jarnagin. Colonel Thomas Hart Benton, United States Senator from Missouri, was the Democratic leader, and chief defender of General Jackson's administration against the assaults of Clay, Calhoun and Webster. He was another of our lost jewels, for he was born and reared in Orange and educated at Chapel Hill. The example of William R. King of Alabama, was followed, in 1837, by Jesse Speight, and he was also United States Senator from Mississippi. In Alabama also lived John Bragg, late of Warren, North Carolina, who became a Judge and member of Congress. Governor Branch and W. D. Moseley became Chief-Magistrates of Florida.

The campaign of 1840 was, in many respects, the most ridiculous episode in American politics. The Democrats fought bravely, but unavailingly, in defense of subtle and time-serving Martin Van Buren. The gold spoons and other White House finery proved too much for them, and for one delicious month the Whigs at last tasted the sweets of power. Like Dead Sea fruit, it turned to ashes on their lips. General Harrison became President, March 4th, 1841. He had appointed Judge Badger his Secretary of the Navy. On the 17th, he issued his proclamation for an extraordinary session of Congress to assemble May 31st. He died on the 4th of April, and John Tyler, as much a Democrat as Martin Van Buren, was his successor.* Curses were not only loud, but deep, at his defection. So complete a mistake on the part of a great and intelligent party has but one parallel in history; but the Republicans of 1865 were not powerless in the face of a veto, and did not see each darling scheme overthrown by the creature of their own choice. Most deeply were they wounded in the "houses of their own friends."

W. N. H. Smith, who this year represented Hertford in the Commons, was a young lawyer of unusual promise and ability. He had been educated at Yale College and only came to the bar

*Colonel Benton, vol. II, page 184.

after elaborate preparation. His father was a Northern man, who lived and died in Murfreesboro. By his mother he was descended from the Sharpes and Harrells of Mill Neck. Though occasionally a member of the Legislature, Mr. Smith's whole energies were devoted to the law. He was not only a finished and powerful advocate, but a master of the manifold intricacies belonging to the old system of pleading. He possessed a mind of great discrimination and admirable balance. No faculty or propensity preponderated. Cool, sagacious and very determined, he early became a most formidable opponent in the conduct of legal causes. To these qualities he added modesty and piety. The utmost temperance and Christian consistency have ever marked his course.

Colonel Andrew Joyner, who became President of the Senate in 1838, was again elected to that high position.* He was a Whig in his politics, and was highly valued, not only in Halifax, but in the State at large. William Alexander Graham, a second time presided in the House of Commons.†

General John Gray Bynum of Rutherford, was a *debutant* in this Assembly. He was born and reared in Stokes, and graduated at Chapel Hill, in 1833. He read law under Judge Gaston, and married the daughter of Colonel Charles McDowell of Burke. His grandfather, Gray Bynum, married the sister of General Wade Hampton. His father had been a captain in the war of 1812, and was at Norfolk. General Bynum was the originator of the geological survey of the State, and author of the famous "Western Address." As Solicitor in the courts, and as a scholar, he was equally conspicuous. Colonel John Martin of Stokes, who was so brave a Whig in the Revolution, was the father of his mother.

James T. Morehead of Guilford, the brother of the Governor, appeared in the House of Commons in 1840. He rivalled his brother in political honors, and won distinction as a lawyer. The same year appeared the able and versatile Michael Hoke of Lin-

*N. C. Manual, page 105.

†Wheeler, vol. II, page 336.

coln. Thomas L. Clingman of Buncombe, David S. Reid of Rockingham, W. W. Cherry of Bertie, John G. Bynum of Ruthersford and Nathaniel Boyden of Rowan, likewise made their entrance on the political stage about the same time.*

Governor Dudley's term of office was to expire, by constitutional limitation, on January 1st, 1841. The Whigs nominated John M. Morehead of Guilford, as his successor, while the Democrats brought out as his competitor, Judge R. M. Saunders of Wake. Perhaps in the history of public canvasses no two men were ever so completely matched on the stump. Their minds were not only of equal calibre, but of striking similarity in drift and habits of thought. Neither was student enough to reach the level of first-class statesmen, but at the same time they possessed the very qualities which rendered them all the more formidable before a mixed multitude. What Judge Saunders lacked in perception of the ridiculous was compensated for by his superior earnestness and massiveness of statement. Like Martin Van Buren, he was defeated, but was successful in search of another place a year later.†

North Carolina seemed strongly committed to Whig principles at that day. The ascendancy of Henry Clay, in the affections of his political friends, was one of the most affecting and honorable phases of our history. Time and again the great Kentuckian was balked of his high aim, and still his devoted adherents continued their struggles to elect him President of the United States. He and his two rivals in the Senate became immortal, but were never honored by election to the Chief-Magistracy.

North Carolina's delegation, in the Twenty-seventh Congress, consisted of William A. Graham and Willie P. Mangum, both of Orange county, in the Senate, and Kenneth Rayner of Hertford, John Reeves Jones Daniel of Halifax, Edward Stanly of Beaufort, William H. Washington of Craven, James J. McKay of Bladen, Archibald H. Arrington of Nash, Edmund Deberry of Montgomery, Romulus Mitchell Saunders of Wake, Augus-

*Journals, 1840.

†Wheeler, vol. II, page 80.

tine H. Shepperd of Stokes, Abraham Rencher of Chatham, Green W. Caldwell of Mecklenburg, James Graham of Rutherford, and Lewis Williams of Surry. Of these, Messrs. Daniel, McKay, Arrington, Saunders and Caldwell were Democrats, while the others belonged to the Whig party. J. R. J. Daniel was educated at Chapel Hill, and was of the class of 1821, in which Judge Anderson Mitchell, Judge Thomas J. Lacey, Treasurer W. S. Mhoon, and others, were graduates. He had been Attorney-General from 1834 until 1840, when he was succeeded by Hugh McQueen of Chatham. He was to gain distinction at Washington, and was made Chairman of the Committee on Claims. Personal integrity, laborious investigation, and solid, rather than showy, qualities, made him one of those faithful servitors of the public, who are so often worth more in deliberative bodies than many such declaimers as S. S. Prentiss and W. L. Yancey. Kenneth Rayner, by common consent, was more eloquent than his colleagues, while General McKay, perhaps, exceeded them all as a parliamentary tactician. He and Lewis Williams had won the profoundest regard of the men of all sections, by qualities very similar to those which had immortalized Mr. Macon. James Graham and A. H. Shepperd were also men of much moderation and integrity. Judge Saunders lacked the patience and forgetfulness of self, as contrasted with his party, to give him weight in deliberative bodies. He was wanting, too, in those fine perceptions of courtesy and grace which distinguished William R. King. Green W. Caldwell, like Governor Burke, had abandoned the practice of medicine for that of the law, in which latter profession, Mr. Washington had also won position amid formidable competitors at New-Bern. In the stormy extra session of this year, there was by no means unanimity among the North Carolina Whig members of Congress. Messrs. James Graham,* Shepperd and Rencher all voted against the ill-timed "Distribution Bill."† On the passage also of the odious "Hour

*NOTE.—It will be remembered that W. A. Graham of the Senate, and James Graham of the House, were brothers.

Rule" in the House of Representatives, Messrs. Rayner and Stanly, like John Quincy Adams, voted against it, although a pet measure of Mr. Clay.*

In the Assembly of 1842, the Democrats once more had a majority of members and elected General Louis Dicken Wilson of Edgecombe, as President of the Senate, while Calvin Graves of Caswell, became Speaker of the House.† This latter gentleman, like General Wilson, did not possess, or pretend to possess, any very brilliant qualities. He was very quiet and firm, and could rise to the assumption of great responsibilities, with a grace and rectitude which should forever hallow his name in a State so much indebted to his resolute patriotism. The session of 1842-'43 was a memorable one in many respects. Many men, already distinguished, and some able new members appeared at Raleigh. From Anson, came Thomas S. Ashe.‡ He was a Chapel Hill man, of the class of 1832, in which Senator Clingman, James C. Dobbin, John H. Haughton and Richard H. Smith, with others, also graduated. Mr. Ashe, like all his distinguished race, possesses abilities and virtues. He had gone to the bar in Halifax, and had recently removed to Wadesboro. From Bertie, came James S. Mitchell, who, though unused to political service, was a model of wisdom, rectitude and financial success. From Burke, were William Waightstill Avery and Tod R. Caldwell. These were graduates of the State University. Mr. Avery graduated in 1837, and Mr. Caldwell, three years later. General Daniel M. Barringer was in the Commons, from Cabarrus. Whitmel J. Stallings of Gates, possessed much influence in all that historic region once known as the county of Albemarle. Duncan K. McRae of Cumberland, was then a young lawyer. He was

‡NOTE.—Judge Ashe is the son of Pascal Paoli Ashe, whose father, William Cincinnatus Ashe, was son of Governor Ashe. Judge Ashe married Caroline, the daughter of George Burgwyn, who had married the daughter of Governor Nash.§

*Colonel Benton, vol. II, page 246. †N. C. Manual, pages 105 and 106.

‡*Living and Dead*, November, 1875, page 644.

educated at William and Mary College, in Virginia, and was early noticed for fine elocution and restlessness under party restraint. He married a daughter of Louis D. Henry. James T. Morehead of Guilford, Andrew Joyner and B. F. Moore of Halifax, Dr. Godwin C. Moore of Hertford, Joseph G. Caldwell of Iredell, and Thomas Bragg of Northampton, were all conspicuous members. This was Mr. Bragg's first and only service in the Legislature of North Carolina. He was fast rising to the highest consideration as a lawyer. Henry K. Nash of Orange, was another new member. He is the son of Judge Nash, and graduated at Chapel Hill in 1836, along with Judge Thomas Gholson of Virginia, Judge W. B. Rodman, Charles L. Pettigrew and others. General J. C. Blucher Eringhaus of Pasquotank, John Baxter of Rutherford, General H. G. Spruill of Washington, James B. Shepherd of Wake, Weldon N. Edwards of Warren, and Curtis H. Brogden of Wayne, complete the catalogue of notables in attendance.*

Though the Democrats had carried the Legislature, Governor Morehead had again defeated the nominee of that party for the office of Chief-Magistrate. Louis D. Henry of Wake, was his competitor, but found the Guilford statesman too firmly fixed in popular affection to be dislodged.

The most exciting matter before the General Assembly, was the choice of a United States Senator. In 1841, the Whigs in the Legislature had instructed Judge Strange, then in the Senate, to support the United States Bank and other bills of the extra session, which led to the resignation of that distinguished functionary. William A. Graham of Orange, had been appointed by Governor Morehead to the vacant place. Judge Mangum had succeeded Bedford Brown, but that gentleman, having served with high acceptance for twelve years in the Senate, was again the choice of his party for the vacant place.† Judge

*Journals, 1842.

†Wheeler, vol. II, page 130.

Saunders, at that time a member of the House of Representatives, was his opponent, and by substracting a portion of the Democratic votes, rendered Brown's election impossible. After weeks of ineffectual balloting, both were finally dropped, and William H. Haywood of Wake, was proposed and at once elected. There was no lack of ability in the Democratic party of that day, but a lamentable want of organization and lead. Perhaps in the history of the nation, no political organization was ever so thoroughly drilled as was the Whig party in 1840 throughout the United States.* Governor Morehead well sustained their failing fortunes in North Carolina. On the other hand there was no Democrat, who, by virtue of victory won, could control the selfishness and insubordination of men who would defeat their party in its dearest wishes, and yet experienced no detriment in getting their support for a vacant judgeship or endorsement for a foreign mission. Michael Hoke of Lincoln, was fast rising to the desired weight in their counsels to afford the hope of a wise and effective leader. Bedford Brown lacked magnetism, and was too much given to abstractions, and Judge Strange was too fanciful and high-flown, to reach the people Louis D. Henry might have led successfully, but for the taint of Thomas Stanly's blood on his hands. No man has ever successfully led North Carolinians after slaying his victim. It has been to all, what Aaron Burr found in his slaughter of Hamilton.

Governor John Tyler of Virginia, succeeded to the Presidency of the United States, April 10th, 1841. An extra session of Congress had been called by General Harrison, to meet May 31st, of that year.† The amiable veteran, who so soon sunk beneath the cares of State, no doubt was moved to assemble Congress at Mr. Clay's suggestion. The fiery and impatient Whig leader, who had been so long awaiting the opportunity to inaugurate his party measures, was unwilling to abide until December, the effecting of the great changes he and his party contemplated in the national polity. Soon after the assembling of Congress, in the

*Colonel Benton, vol. II.

†Colonel Benton, vol. II, page 209.

famous called session, the great Kentuckian introduced a series of resolutions, which were in effect a manifesto and proclamation of what he and his party intended.* They had elected majorities in both Houses. The President had been elected on a platform declaring the same cardinal principles. It seemed at last that the long repressed Whig notions were to become the law of the land. When the extra session closed, on September 13th, the Sub-Treasury law had been repealed.

A new tariff had been enacted. Another statute provided for the distribution of proceeds of sales of the public lands among the several States, and another was a general bankrupt law. The President repeatedly vetoed the various enactments looking to a re-charter of the Bank of the United States, and thus the favorite measure of the men who had elected John Tyler came to grief. The surprise and indignation of the whole Whig party may be more easily imagined than described. Curses loud and deep were heard throughout the nation. Mr. Tyler had twice been the candidate of the Whigs for the office of Vice-President. That they were acquainted with his hostility to their proposed re-charter of the Bank, is simply impossible of belief, and to unprejudiced observers, the course of the President must ever seem the strangest thing recorded in history, if it were not a palpable and inexcusable treason to the party that elevated him to the highest position in their gift. He had been called "Honest John Tyler," in days before. To men of this day, it would seem that he who espoused a cause by consenting to lead those who were laboring for its establishment, was, by every principle of honor and gratitude, bound, not only to forbear any opposition, but to give the whole influence of his administration to its support. Even granting the possibility that Mr. Tyler became convinced, after becoming President, that Whig principles were founded in error and mistake, a magnanimous and just man would have still forborne the use of a veto, so directly at war with what every one had been led to believe would be his policy. In

*Colonel Benton, vol. II, page 215.

less than a month from the adjournment of Congress, the Bank of the United States failed, and that great corporation, which had so agitated and divided the American people, went into bankruptcy under the new statute. Its failure carried ruin to innocent thousands, and Colonel Biddle, its quondam president, was in his grave in less than two years. General Jackson had been, for years, in retirement at the Hermitage, in Tennessee. He saw, with grim satisfaction, in the progress of the year 1842, one by one, every measure so recently enacted against his wishes, swept from the statute book. Mr. Clay, and the extra session of 1841, became enigmas, which are yet inexplicable in the greatness and totality of the failure. John Tyler had killed the Bank, but there was much left after its overthrow, unconnected with that disaster. The same Congress that enacted the "Bankrupt and Distribution Laws," made haste in the succeeding regular session to repeal them, and thus went into history this strange commentary upon the agitations and struggles of twenty years past. Judge Mangum and Kenneth Rayner were leaders in the movements and denunciations of the President in Congress.* An address to the nation was prepared, and the man so lately elevated by the Whig party, was denounced for complicity with the Democrats in the overthrow of their aims.

In such a pandemonium of parties, the year 1843 came upon the American people. It was the year for Congressional elections, and unprecedented excitement and bitterness were seen all over the land. The Whigs were outraged and sore under their national failures, and transferred their hatred of the President to the men in whose behalf they averred he had deceived them. Messrs. Mangum and Haywood were the North Carolina Senators in the Twenty-eighth Congress. Kenneth Rayner was re-elected in the Edenton District. Lewis Williams, who had been for years past, known as "Father of the House," had died at his post while attending Congress. He had been continuously a member since

*Colonel Benton, vol. II, page 357.

1815, and was eulogised by ex-President Adams, Henry Clay and other great men of both Houses of Congress. Mr. Williams was a blameless and faithful man, and belonged to a house greatly honored in North Carolina and other States. His father, Colonel Robert Williams of Surry, had been distinguished in the war of the Revolution, and left, besides Lewis Williams, other sons and daughters. One of these was General Robert Williams, who was likewise a member of Congress from North Carolina. Another was Colonel John Williams, who won renown at the head of his regiment in the Creek war. Another was Thomas Lanier Williams, the twin brother of Lewis, who graduated with him at Chapel Hill, in 1808, and became Chancellor of Tennessee.* Mr. Williams was succeeded by David S. Reid of Rockingham. Thomas L. Clingman replaced G. W. Caldwell. He dwelt in the famous county of Buncombe, which had been, even then, held responsible for so many vapid speakers in Washington. Mr. Clingman, however, was to indulge in no oratory, which, in the Capitol or elsewhere, could be put in the category of "Buncombe" speeches. He is yet one of the most learned, laborious and instructive Congressmen ever delegated from North Carolina. He graduated at Chapel Hill, in 1832, and went to the Bar, but has devoted the greater portion of a studious life to such matters as befit a statesman. Besides this, he is an accomplished naturalist and explorer of his beloved and beautiful mountain land. General Daniel M. Barringer of Cabarrus, Edmund Deberry of Montgomery, Judge R. M. Saunders of Wake, General James McKay of Bladen, and General John R. J. Daniel of Halifax, constituted the remainder of the North Carolina delegation in the House of Representatives of the Twenty-eighth Congress. Messrs. Reid, Saunders, Daniel, Arrington and McKay were Democrats; the others were Whigs.

The explosion of the great gun, and the deaths, on the *Prince-ton*, involved the loss of two of the Cabinet. This deplorable accident and the proposed annexation of Texas, were the great

*Wheeler, vol. II, page 407.

staples of discussion in the first session. Morse and his electric wire were but little things in the estimation of the members of Congress, who helped to construct his first line to Baltimore; but the silent student had effected more for a closer union of the States than all the assembled wisdom of many Congresses. The western wilderness was not only to blossom like a rose, but the far-off shores of the western ocean, were, in effect, to be dragged up to the very doors of the Capitol, and the huge rotundity of all the world to shrink, ere long, to convenient hailing distance through the genius of this benevolent Prospero.

The social aspects of North Carolina, in the year 1844, like those of all the country, were extremely forbidding. A senseless and malignant hostility divided the households and poisoned the intercourse of men siding respectively with the Whig and Democratic parties. Year by year estrangement and hostility grew more marked between the North and South. The slaves and free negroes continually found fresh restraints imposed upon their small remnant of liberty.* Ill-advised leaders fostered and sustained, for their own selfish advancement, a devilish hatred to their political opponents, and the smallest charity to the unhappy black people was marked and denounced as a sign of abolitionism and treason to the South. Alas, for the misery and folly of such a course! In the bosom of the near future was maturing a horrid and lasting retribution.

In the August elections, William A. Graham of Orange, was elected Governor, over Michael Hoke of Lincoln. Theirs was a brilliant canvass. Governor Graham has been unsurpassed in our annals, as a statesman, but his fine presence, majestic oratory and unsullied record, were formidably rivalled in the winning grace and genius of Colonel Hoke. It was the remark of antiquity that "the favorites of the gods die young." Within a month after his defeat, the brilliant son of Lincoln was in his grave. A noble career had ended, and friend and foe, were alike pained to know that one so gifted had been stricken down in the very morning of his glory.†

*Journals, 1844.

†Wheeler, vol. II, page 246.

The Presidential contest of 1844, rivalled its predecessor, in interest and excitement. Clay and Freelinghuysen were names which thrilled and rallied the great Whig hosts all over the nation.* Polk and Dallas, as the result proved, were no less effective. Mr. Clay had long been the most splendid and enduring figure at any time known in American politics. His majestic intelligence, electric oratory and wondrous force of character, are yet unmatched in the story of our growth as a nation. His partisans affected to despise the claims of his rival, but James Knox Polk had even then won fame and consideration as a statesman. Born in Mecklenburg county, North Carolina, November 2nd, 1795, he had graduated at Chapel Hill in 1818, with the highest honors of his class. Seven years thereafter he entered the Congress of the United States. In the fifteen years of his service in the House of Representatives, after leading the Democrats with distinguished *eclat*, he was for five sessions the Speaker of that stormy and intellectual body.† His congressional career terminated with his election as Governor of Tennessee. Some inconsiderable men have been Governors, but great abilities have ever been essential to the leadership of opposing parties in the Lower House of the National Legislature.‡

This defeat, was in effect, a death knell to the Whig party. It is true, four years later, they succeeded in electing General Taylor, but his success was due to his military fame, and the utter absence of all partisanship from his nature. The great questions of the United States Bank, Sub-Treasury and Distribution were subordinated to the proposed annexation of Texas, and henceforward sunk out of sight. It was a bitter disappointment to Henry Clay and his friends, and the great Ken-

‡NOTE.—The Polk family were long established and prominent in Mecklenburg county. Robert Polk came from Ireland in 1735, and settled in Anson county in 1750. His sons were General Thomas Polk, Ezekiel and Charles. Ezekiel Polk had a son named Samuel, who dwelt in Mecklenburg, eleven miles south of Charlotte, till 1806, when he removed to Tennessee, to act as

*Colonel Benton, vol. II, page 625.

†Wheeler, vol. II, page 266.

tuckian at last surrendered his noble and long-cherished ambition to become the first magistrate of the people he had so faithfully served.

The Legislature assembled in November. Colonel Burgess S. Gaither of Burke, presided in the Senate, while Edward Stanly of Beaufort, late a member of Congress, became Speaker of the Commons.* Mr. Stanly inherited his father's strong passions and intellectual endowments. The old Federalist, John Stanly, felt no more bitterly towards the Republicans, than did Edward Stanly to the Democrats. To his credit, he presided with distinguished impartiality in this and the next Legislature.† In this House was seen for the first time, several young men, destined to win prominent positions in the future. John W. Ellis of Rowan, subsequently Judge of the Superior Court, and Governor of North Carolina, W. W. Cherry of Bertie, N. W. Woodfin of Buncombe, and Michael Francis of Haywood. In the same body, sat for the first time, David A. Barnes of Northampton. Mr. Barnes had graduated in 1840, at Chapel Hill. He had recently come to the bar, and was giving abundant promise of the eloquence, learning and success of later years.

The State sustained a great and irreparable loss on the 23rd of January, 1844, in the death of William Gaston, one of the Justices of the Supreme Court. This illustrious man was born the 19th of September, 1778, and had filled for many years, the greatest positions, with the most distinguished honor to himself and the State. Every heart was filled with grief at the loss, and the Bench, the Bar and the General Assembly vied with each other in the noblest testimonials to his worth.

At his home in Bladen county, on October 14th, 1841, Governor _____ agent for his kinsman, Colonel William Polk, who had great landed possessions in that State. He was a man of energy and good faith, and was prosperous enough to educate his sons, James Knox and William Polk. The latter married Lucy Williams, a great belle of Warren county.

*North Carolina Manual, pages 105 and 106.

†Wheeler, vol. II, page 29.

ernor John Owen had died.† It was a singular coincidence, that he and General Harrison, the first choice of the Harrisburg Convention of 1840, for President and Vice-President, should have both died that year. Governor Owen was tendered the position given Governor Tyler, but through a high sense of honor, declined, saying, in his opinion, it was improper in him, the presiding officer of the Convention, to accept the nomination at their hands. Thus through a mere scruple, he missed the opportunity of becoming President of the United States.

The gold mines of Rowan county were causing considerable excitement in North Carolina, in 1844. Professor Dennison Olmsted of the University, in 1825, had visited that region, and pronounced it rich in minerals.† In 1842, gold was discovered on the lands of Andrew Troutman. This spot became known as Gold Hill, and was worked by various companies. In eight years it yielded more than eight hundred thousand dollars. Before the discoveries in California and elsewhere, this was considered a respectable yield, but in the big *bonanzas* of late years, has been dwarfed to insignificance.

When the year 1845 had come upon the American people, their numbers had reached about twenty millions. In the month of July, succeeding the inauguration of President Polk, the annexation of Texas was accomplished. This act was to speedily replace the contentions of political parties in our own midst, by a direr conflict on foreign shores. Mexico had been unable to enforce her authority over the unaided Texans, but with rashness and folly characteristic of that misguided power, it loudly proclaimed a determination to wage war upon the United States. In consequence of these threats, General Zachary Taylor, with a small force of United States regular troops, was sent to the neighborhood of the Rio Grande, with orders to protect the newly acquired domain.

The people of North Carolina were deriving great benefit at that time, from the Common School system, a short time previ-

*Wheeler, vol. II, page 43.

†Wheeler, vol. II, page 395.

ously established in their midst. During General Jackson's last administration, in the year 1836, thirty-seven and a half millions of dollars, which had accumulated in the United States Treasury from the sale of public lands, were distributed among the several States. North Carolina's proportion of this fund amounted to one million five hundred thousand dollars. This sum was invested, and the interest arising from the same, together with a considerable amount realized by taxation, were annually expended in maintenance of public schools, thus bringing the rudiments of education within the reach of the vast host too poor to have otherwise obtained such advantages.

Year by year the cultivation of cotton was being extended among Southern communities. Like Aaron's rod, among those of the Egyptian magicians, this great industry was overshadowing, and to a large degree, swallowing up all others. Countless new gin-houses were each year erected, and, with incredible toil, our people struggled, but to glut the markets of the world with an over-supply of their great staple, and to add a fictitious enhancement to the value of their slaves. Cotton fell to eight cents a pound, and negro men rose in price to fifteen hundred dollars apiece. The best laborers among them, at public hirings in Eastern counties, for the year 1845, were bid off at fifty dollars.*

This was the year for Congressional elections. In those days, State officers and those of the national assembly, were chosen on alternate years. Mr. Rayner declined being again a candidate, and William Walton Cherry of Bertie, had been selected by the Whigs as their nominee to succeed him, when to the sorrow and regret of all parties, this most amiable and gifted man suddenly came to his death, in the month of May, while in attendance, professionally, at Northampton Court.* Like his uncle, the first William Cherry, he died young. He had revolutionized Bertie, in spite of the powerful opposition of the rich and able Dr. A. W. Mebane, and other prominent Democrats. Mr.

*W. D. Valentine's Diary, 1845.

Cherry was eloquent in debate and charming in social intercourse. Though an intense Whig, he was above the folly of resenting a difference of opinion on the part of other men. At a meeting of the Bar of the First Judicial District, at Edenton, noble tributes were made to his memory in the resolutions of his legal brethren, and a beautiful and touching oration delivered in his honor, by Charles R. Kinney of Elizabeth City, then leader of that circuit. It is sad to relate, that within a month, Mr. Kinney himself was dead. He perished even more suddenly than his friend Cherry. Within fifteen minutes after his arrival, at the hotel in the town of Hertford, in apparent health, he was a corpse. Mr. Kinney was born in New England, and was first a merchant, but failing in that business, he became a teacher. Having subsequently studied law, he became leading counsel. Like the friend he had so lately eulogized, he was a Whig, and a man of rare eloquence and culture.*

Upon the death of Mr. Cherry, a new convention was called to meet in Winton. This body selected David Outlaw of Bertie, as the successor of his lamented cousin, in the nomination for Congress. Colonel Outlaw was in no wise intellectually inferior to any man then in North Carolina. He had been, for several years, Solicitor for the State, in our Superior Courts, and on occasion, could rise to the level of the greatest argument. The Democrats selected Asa Biggs of Martin, as his opponent. Mr. Biggs had been often in public life, and had won high position at the bar. The people have never known an abler or more admirable canvasser, in the history of the Edenton Congressional District. The utmost fairness and courtesy marked the bearing of each of those distinguished men, and they afforded an example of wisdom and propriety worthy of all imitation. The campaign resulted in the election of Mr. Biggs, greatly to the surprise of his opponents. They alleged, perhaps with truth, that Colonel Outlaw's defeat grew out of the fact that he had ably and fearlessly discharged his duty as a prosecuting officer. North Caro-

*W. D. Valentine's Diary, 1846.

lina, besides Mr. Biggs, was represented in the Twenty-ninth Congress as follows: In the Senate were still Judge Mangum and Mr. Haywood. In the House, were James Graham of Rutherford, Daniel M. Barringer of Cabarrus, David S. Reid of Rockingham, Alfred Dockery of Richmond, James C. Dobbin of Cumberland, James J. McKay of Bladen, J. R. J. Daniel of Halifax, and Henry S. Clark of Pitt.

The earliest days of 1846 were filled with notes of preparation for the fast-approaching Mexican war.* Ere spring had gone by, the bloody work had commenced on the Rio Grande, and that great body of volunteers, by whom the contest was so nobly waged, began to tender their services to the general government. The North Carolina regiment was put under the command of Colonel Robert T. Paine. This chivalrous officer was a member of the Edenton Bar, and had been for several terms much respected as a member of the House of Commons. John A. Fagg was Lieutenant-Colonel, and Montford S. Stokes was Major in the same command. Just at the close of the year a memorable scene was witnessed in the Senate Chamber in Raleigh. Louis D. Wilson, for so long the Senator from Edgecombe, was then a private in the ranks of the North Carolina regiment.† He had asked and obtained leave to join his command. With touching grace he rose and bade adieu to those with whom he had so long associated. Upon motion of Michael Francis of Haywood, resolutions of respect and regret were unanimously passed. General Wilson was not allowed to remain long in the ranks. Without his knowledge or seeking, he was made Colonel of the Twelfth Regiment of United States Infantry, but survived this new honor only a brief period. His remains were brought back and interred in the county he loved and had so faithfully served.

The most tragic and deplorable personal difficulty, that had for a long time disturbed Eastern society, occurred in the spring of this year. Thomas F. Jones of Perquimans, a leading lawyer and son of that Thomas Jones so conspicuous in the Halifax Con-

*Holmes, page 242.

†Wheeler, vol. II, page 145.

vention of 1776, met and slew, in a duel, at Bladensburg in Maryland, Dr. Daniel Johnson, an accomplished physician of the same county, and grandson of Charles Johnson of Bandon. This duel, and the circumstances leading to its consummation, were of painful and profound interest to the people.* A similar transaction near Richmond, Virginia, gave much concern to our people of both political parties. John Hampden Pleasants, the brilliant editor of the *Richmond Whig*, was slain in a personal encounter, by William F. Richie of the *Enquirer*. A year later, Edward F. Yellowly and H. F. Harris, both of Pitt county, met near our borders, and in the duel, the unfortunate and implacable Harris was killed on the field. It is to be hoped that the people will yet outgrow the sin and folly which foster and sustain this cruel and miserable practice. It is a relic of barbarism, and is more often an evidence of moral cowardice than of true manhood. A mistaken sense of honor, and fear of popular depreciation, are generally the motives which induce gentlemen to ruin their own peace of mind, and inflict lasting sorrow on the families of both parties.

Judge R. M. Saunders had been appointed by President Polk, United States Minister to Spain, and was yet at Madrid. He had presided at the Baltimore Convention of the Democratic party, in 1844. His first Federal appointment was in 1831, when, with George Campbell of Tennessee, and John K. Kane of Pennsylvania, was constituted the Board of Commissioners, under a recent convention with France.†

From Wake county, William J. Clarke, had raised a company,

†NOTE.—It is said that the North Carolina delegation in that Convention, were equally divided between Van Buren and Polk; but eight districts being represented. At last, Judge Saunders, who was heading the Polk men against Louis D. Henry, who was in favor of Van Buren, received a letter from Cleveland county, saying that a small meeting there had made him their proxy. General Clingman says this insignificant gathering of six men in a Western county, who were in favor of Van Buren, really nominated Mr. Polk.

*W. D. Valentine's Diary, 1846.

and as Captain of that command, had joined the Twelfth Regiment of United States Infantry.*

The people of Bertie were pained in the early demise of James Allen. This able and polished man had been of great promise and romantic interest in the strange vicissitudes of his history. Thomas Turner of Windsor, who, with his brother, Dr. Turner, was remarkable for genius, benevolence and eccentricity, had found James Allen a friendless and penniless boy. By his aid young Allen had been sufficiently educated to enter the academy at West Point. Mr. Eaton of Tennessee, Secretary of War under General Jackson, was one day called upon by Governor Branch, then Secretary of the Navy, who introduced the lad, who had walked from North Carolina to Washington, and had come to ask one of the appointments at large, ten of which are in the gift of the President. The indomitable boy received his appointment, and was graduated among the best scholars of his class. He was for a few years, an officer in the army, but resigned and returned to his native county. There he studied and practiced law. He was distinguished as a jurist and advocate, and but for his wayward and truant disposition, might have achieved the largest success.†

*NOTE.—Junius B. Wheeler, the youngest son of John Wheeler of Murfreesboro, went as a private in Major Clark's command. For gallantry at the battle of the National Bridge, between Vera Cruz and the City of Mexico, young Wheeler, then but a lad, was promoted to be Lieutenant of Eleventh United States Infantry. He survived the dangers of the war and horrors of the Mexican climate, and, after graduating with high distinction at the military academy at West Point, won consideration as an army officer. Colonel Wheeler married Emily Beale of Washington City, a granddaughter of Commodore Truxton, and sister of the late Minister to Austria. With his large and interesting family, he is, at present, residing at West Point, where he presides, with high acceptability, as Professor of Engineering.

†W. D. Valentine's Diary, 1846.

CHAPTER III.

A. D. 1847 TO 1852.

Mexican war unpopular in North Carolina—Governor Corwin's "bloody hands and hospitable graves"—The war—Captain Bragg at Buena Vista—Deaths of Colonel Wilson and Captain Burgwyn—Members of Congress—General McKay—B. F. Moore Attorney General—Judge Caldwell, Kenneth Rayner and others—1848 and Revolution—Condition of the Free Negroes—Chowan Baptist Female Institute—Governor Graham defeats James B. Shepherd—Charles Manly Governor—W. W. Holden, D. S. Reid, and free suffrage—Assembly of 1848—Calvin Graves and R. B. Gilliam Speakers—Leading members—State of the railways—The North Carolina Railroad chartered and aided—Rights of married women—Presidential election—General Taylor President—Old issues all dead—Slavery—Insane Asylum, and Deaf, Dumb and Blind Institution—Judge Nash—Death of Judge Daniel—Judges Battle and Pearson—Judge Augustus Moore—Judge Martin—European upheavals—Martin Van Buren and the "Free Soilers"—Death of Mr. Polk—Slavery again—National Thanksgiving—Colonel Outlaw and General Person—Members of Congress—General Barringer Spanish Minister—Deaths of Charles Fisher and Weston R. Gales—The North Carolina Press—Crisis in Congress—Millard Fillmore succeeds General Taylor—The Compromise—Nags-Head Inlet—Plymouth Convention—Nashville Convention—Governor D. S. Reid—Assembly of 1850—Weldon N. Edwards and James C. Dobbin Speakers—Judge Ellis—Rev. Q. H. Trotman—Colonel Clarke, Lewis Thompson and P. H. Winston of Bertie—Northern nullification—Chowan Association—Rev. J. S. Reynoldson—Wesleyan Female College—Judge Settle—The Albemarle Bar—The Free Negroes—Governor Reid and John Kerr—The contest for President—Franklin Pierce—Congressional Canvass—Deaths of Clay and Calhoun—Members of Congress—Dr. Tompkins and agriculture.

With the advent of the year 1847, the political aspect of the American people presented some strange anomalies. The annexation of Texas, accomplished in the election of James K. Polk, resulted in war with Mexico. This addition to our territorial limits had been a favorite scheme of a large majority of the people, but bloodshed was not in their proposed programme of operations, and some were swift to censure the administration for carrying out their own special wishes. Especially was this the case in North Carolina. Asa Biggs, upon his nomination, was

defeated by David Outlaw, in the Edenton District, mainly upon the ground that the Democratic party had involved the country in a foreign war.* The feeling in the State was bitter to a great degree, and on the floor of the national capitol, Thomas Corwin of Ohio, went to the extent of wishing our troops a welcome of "bloody hands and hospitable graves." Party spirit is ever ruthless and unthinking. In the madness of conflict, we are always blind to whatever of patriotism or wisdom our opponents may possess, but in the providence of God, liberty is only born in the shock of conflicting spirits. Lethargy and unconcern are the sure precursors of slavery, for only in vigilance and toil are earthly blessings to be retained. It were then surely wisdom in us to moderate that natural resentment which is ever too apt to arise against those who differ from us in questions of State. This Mexican war was to bring into fresh renown the valor of the nation, and to double in its consequences, our area and resources. General Zachary Taylor, with a small force, in a series of brilliant actions upon the Rio Grande, had not only driven back a vastly superior army of invaders, but pressing on, before the close of the year, had laid siege to and captured the fortified city of Monterey, defended by almost twice the number of his six thousand men. On the anniversary of Washington's birthday, Santa Anna, with four times the force left with Taylor, came up with him, and demanded his surrender. "Old Rough and Ready" was in the heart of the enemy's country, but, with his little band, resolutely awaited the shock of arms. With the single exception of Jackson's victory at New Orleans, the battle of Buena Vista, fought on the 22nd of February, 1847, was the most glorious success which has ever attended our arms in any conflict with a foreign power.

It was in the midst of this battle, when the outnumbered Americans were being dreadfully pressed in front, that a large cavalry force succeeded in turning their left flank. In a few minutes, it seemed that General Taylor and his army must

*Valentine's Diary, 1847.

be utterly undone. Almost his whole available force was already engaged. Captain Braxton Bragg of North Carolina, with a single battery of artillery, was sent to check this formidable movement. Under cover of the drifting smoke, Captain Bragg approached within fifty yards of the advancing column; when he wheeled into position and gave them a round of double canister. Huge gaps were opened in the ranks of the foe. They staggered and recoiled under the murderous fire. It was then that the delighted commander in that glorious conflict, rose in his stirrups, and joyfully shouted: "Give them a little more grape, Captain Bragg." Lieutenant Francis T. Bryan, a son of John H. Bryan of Raleigh, who was then in the corps of Topographical Engineers, likewise won distinction and a brevet, in the same gory passage at arms.

Colonel Louis D. Wilson died on August 1st, 1847, while on his march upon the city of Mexico. The gallant and accomplished Captain J. H. K. Burgwyn, First Regiment United States Dragoons, also of North Carolina, died of his wounds on the 7th of February, in the same year, at Taos. North Carolina had other sons who were to gain distinction in Mexico. Major Samuel McRee of Wilmington, became the Chief-Quartermaster of General Scott's army. Lieutenant James G. Martin of Pasquotank, gained a brevet, and lost an arm. General Joseph Lane, then of Indiana, was born in Buncombe, and was the cousin of Colonel Joel Lane, upon whose farm the city of Raleigh was located. The regiment of North Carolinians under Colonel Paine, did not participate in any of the chief battles, being kept on garrison duty at Camargo. The company of Captain W. J. Clarke, Twelfth United States Infantry, was highly distinguished for its valor in the bloody conflict at the National Bridge, where its commander gained promotion by his coolness and gallantry. Junius B. Wheeler, at present Professor of Engineering at West Point, was taken from the ranks, and made a Lieutenant. Though a stripling then, he had also exhibited both courage and conduct.

Judges George E. Badger and Willie P. Mangum, were still conferring honor upon themselves and upon the State, in the

United States Senate. In the House of Representatives, Colonel David Outlaw from the Edenton District, had for his colleagues, Thomas L. Clingman, Nathaniel Boyden, Daniel M. Barringer, Augustine H. Shepperd, A. W. Venable, James J. McKay, J. R. J. Daniel and Richard S. Donnell.* The Whigs were in the ascendancy in the House, and succeeded in electing Robert C. Winthrop of Massachusetts, Speaker. Thus Mr. McKay of Bladen, ceased to be Chairman of the Committee on Ways and Means. He had been a member since 1831, and had won high consideration among men of all sections and shades of political belief.

Bartholomew Figures Moore of Halifax, about this time, moved to Raleigh. He had succeeded Judge Badger, then in the United States Senate, in the leadership of the North Carolina Bar. A year later, he was to replace Edward Stanly of Beaufort, as Attorney-General, and in his forensic efforts, had already displayed legal learning and height of literary taste unsurpassed among the lawyers of North Carolina. W. N. H. Smith succeeded Colonel Outlaw, as Solicitor of the Edenton District. Judge R. M. Saunders had presided over the convention which nominated Mr. Polk. He was rewarded by a gift of the Spanish Mission. Governor Graham appointed D. F. Caldwell of Rowan, to succeed him on the Superior Court bench, and he, this year, presided for the first time. Barring a sometimes haughty temper, he was an excellent judicial officer, and his functions were never more respected, than while in his keeping.

The year of our Lord 1848, was one of the most startling in human annals. Upheaval, civil commotion and general advancement, were abroad in the world. The spirit of the sixteenth century revisited mankind, and, amid uproar and bloodshed, a larger liberty was achieved by the downtrodden European masses. Louis Philip, the "Citizen King," astonished the nations by his flight from his throne, and the Tricolor was once again the emblem of Democracy. From France, as some huge volcano, the

*Colonel Benton, vol. II, page 655.

waves of the popular uprising rolled over and threatened to engulf every European throne. In America peace returned to the lately belligerent Republics. After conquering Mexico, the United States acquired New Mexico and Upper California, by the payment of fifteen millions of dollars to the prostrate enemy. Two hundred millions of money, and fifty thousand lives, had been expended in prosecuting the war, but our territorial limits and national opportunities for usefulness, had been immensely extended. Not even Jefferson's purchase of Louisiana was more important, upon the expansion and advancement of the people. The cry of gold, discovered in the newly acquired Pacific possessions, rang through the world, and multitudes of men, from all nations, hastened there to erect, as by magic, a new constellation of great and prosperous States. Mr. Polk did not survive the year that witnessed the close of his administration, but the effects of his policy were soon to cross the great western ocean, and to be felt in the heart of the Chinese Empire.

North Carolina was in the zenith of its prosperity at the period now reached in these annals. There were many free negroes, and they were by far the most wretched portion of the community. Outcasts and pariahs in society—they were almost without practical legal protection. A dozen of them could have witnessed the most flagrant outrage on the part of a white man, and yet they were not allowed to depose against him, as witnesses, in the court-house. In this way there was no legal redress for a thousand cases which merited the most condign punishment.

Early in this year (1848) the Bertie Union Meeting convened with the new Baptist Church at Pleasant Grove, near St. John's.* This body, among its resolutions, agreed to establish a female school of high order at Murfreesboro. The Rev. Amos J. Battle happened to be on a visit to the Albemarle churches at that time, and he was secured at once as an agent for the new institution. Within a few weeks there was a session of the Chowan Associa-

*Chowan Minutes, 1848.

tion. This numerous, wealthy and intelligent body, with alacrity, also adopted as its own, the proposed seminary; as did, shortly thereafter, the Portsmouth Association, in Virginia. Dr. Godwin C. Moore was made the President of the Board of Trustees, and gave his heart and hand to furthering this undertaking. Upon the meeting of the Legislature, an act was passed creating a new corporate body, known as the "Trustees of the Chowan Female Collegiate Institute." The Rev. Archibald McDowell was President, and the noble and prosperous work commenced. Though thirty years have elapsed, Dr. McDowell and his consort are still engaged upon this, their life mission, and they have been the chief agents in building up a reputation for this seminary unsurpassed in the country. Scores of accomplished young ladies have been issuing each year from this beautiful retreat; higher culture has come upon our females, and Eastern North Carolina and Virginia have shared in the benign effects, grown out of the seeds sown in 1848.*

Governor Graham had been opposed, in the gubernatorial canvass of 1848, by James B. Shepherd of Wake. He was a young man of good talents, but was nominated under such circumstances, that he was signally beaten at the August election. Like his brothers, W. B. and Charles B. Shepherd, he was a lawyer, but was deficient in the qualities that lead to popular esteem and usefulness. Some of the leading Eastern Democrats refused to vote for him, and his opponent's majorities were greater than usual in our political history.†

The State Whig Convention would have selected Kenneth Rayner as the successor of Governor Graham, but he declined that high honor, and Charles Manly of Raleigh, was chosen instead. Governor Manly and his eminent brothers, Judge Matthias E. Manly, and Rev. Dr. Basil Manly of Alabama, were born and reared in Chatham. The Democrats nominated David S. Reid of Rockingham, late a member of Congress, to oppose him. Governor Reid was charged by the Whigs with having obtained

*Valentine's Diary, 1848.

†Turner's Almanac, 1848.

his Free Suffrage proposition from his kinsman, Stephen A. Douglas of Illinois.* At any rate, he and William W. Holden, editor of the *Raleigh Standard*, succeeded in inducing the Democratic Convention to adopt, as an article of its faith, the abrogation of a time-honored safe-guard from the State Constitution. Charles Manly was elected Governor in 1848, but he and his competitor being renominated two years later, David S. Reid became Governor of the State, and the long day of Whig domination in North Carolina at last found its conclusion.

In 1848, Hertford county sent Wm. N. H. Smith to the Senate, and Kenneth Rayner to the Commons. No county in the State was more nobly represented. Learning, diligence and eloquence had lifted both of these distinguished men into conspicuous positions, and not only their immediate county, but the State at large, was benefitted by their participation in public affairs. To Judge Smith, in later days, belongs the honor of introducing Lord Denman's act into our jurisprudence.

Calvin Graves of Caswell, presided in the Senate, and Robert B. Gilliam, in the House of Commons. Mr. Graves was a man of great moderation and calmness of life. He did not equal Bartlett Yancey in the more impressive qualities of statesmanship, but still most worthily maintained the traditional prestige of Caswell county. Judge Gilliam was, at that day, an honored member of the Granville Bar, and by his learning, courtesy and ability, won, and throughout his life enjoyed, the confidence and respect of the people of all parties throughout North Carolina.

William S. Ashe of New Hanover, D. D. Ferebee of Camden, James C. Dobbin of Cumberland, John A. Gilmer of Guilford, William H. Washington of Craven, and Walter L. Steele of Richmond, were all brilliant beginners in political life, and all of them destined to distinction. To the wisdom and patriotism of this Legislature, the present system of internal improvement in North Carolina is largely indebted. Our railways, in 1848, were a reproach to the State. The Seaboard & Roanoke Company

*Valentine's Diary.

was utterly prostrate and its route no longer open to traffic and travel. The condition of the Raleigh & Gaston Road was almost as bad. The wheezy old engines still drew, painfully and slowly, a few coaches over the rugged and broken track. Amid dust and smoke and constant breaking down, the whole day was generally consumed in passing over the eighty miles intervening the hamlet at Gaston and the State capital. The Wilmington & Weldon route was in somewhat better plight. In the face of these discouraging facts, this Legislature pledged the credit of the State, and donated two millions of dollars to help build a new route leading from Beaufort, on the sea-coast, to Charlotte, in the county of Mecklenburg. This important act only passed the Senate by means of the casting vote of the presiding officer. Ex-Governor John M. Morehead became President of the corporation, and James Wellborn's dream of 1805, became at last a reality.*

A great addition to the statutory protection of the rights of married women, was likewise effected by this Legislature. The statute of 1848, had long been needed, but lawyers are slow to sanction even necessary innovations upon their domain. In North Carolina, up to this time, but small additions had been made to the Common Law of England in this respect. All that a woman had in real and personal property became the husband's upon her marriage, and was subject to his control and alienation. It was this year provided by statute, that the maiden lands of wives married subsequent to this act, should not be liable to execution against the husband, and, furthermore, he should have no power to sell the same without her voluntary consent, attested upon privy examination, by constituted authority, separate and apart from

*NOTE.—Probably the real author of the North Carolina Railroad, was Colonel William Shepperd Ashe of New Hanover. He was Chairman of the Committee which reported in its favor, and, though an Eastern Democrat, was friendly to State aid to the Western lines, and, procured his friends to vote for this. He was the son of Samuel Ashe, and bore the name of his maternal grandfather, who was also a man of wealth and distinction, and lived at Hillsboro. Like his forefathers, W. S. Ashe was an able, cultivated and excellent man.

the husband. Some years earlier, it was held by our Supreme Court, that cruel and excessive whipping of the wife by her consort, was indictable in the Courts, and thus, by slow degrees, good women have been clothed with legal protection against the ill effects of violence and prodigality. A score of years later, saw still greater additions to such guarantees; the Dower Act of 1867, and the Constitution and statutes of a year later, have made assurance doubly sure.*

The Presidential election of 1848, was shorn of much of the bitterness which had characterised its two predecessors.† General Taylor's election over Louis Cass, proved nothing but the fondness of the American people for military heroes. The Democrats saw but slight disturbance of their policy in the acts of the Whig administration. The United States Bank was buried too deep for resurrection, and the tariff of 1846 met with small alteration by men who were then absorbed in the new issues born of late territorial acquisitions.‡ The troubles in Europe swelled the mighty influx of foreign immigration, while the slavery question, like some spectre of coming disaster, widened and darkened its portentous proportions. Amid peace and plenty, and untold political blessings, representative men of both sections ceaselessly toiled at the great work of building up an edifice of discord, which was soon to culminate in the ruin and humiliation of one-half of the nation. The slavery issue was like our old quarrel with King George III.—it admitted of no solution. The humanity of the masses, and the selfish schemes of political leaders in the North, were arrayed on one side, while

†NOTE.—Mr. Rayner was the Whig candidate for elector in the Edenton District, while Dr. Alexander Wood Mebane was his opponent. This was the last political service of Dr. Mebane. He was one of the wisest and most prosperous of his highly intelligent and distinguished family. He was born and reared in Orange, but his mother, Mary Wood, was a Bertie woman. Upon his marriage with his cousin, Mary Howe, he removed to the Hermitage, on the Chowan River, where he waxed rich and more influential, until, like his competitor, W. W. Cherry, he was cut down, comparatively a young man.

*Revised Statutes, vol. I.

‡Colonel Benton, vol. II, page 722.

four thousand millions worth of property was in the other balance. Only in seas of blood are such mighty issues to find a quietus in this world.

The year 1848 was full of new bounties and improvements. Morally and mentally, great advancement was effected. Not only was our railway system, for the first time, put upon a basis of solid and lasting prosperity, but the noblest of our public charities was that year inaugurated by act of Assembly.* The Legislature had, two years previously, established the Institution for the Deaf, Dumb and the Blind. Under the supervision of W. D. Cooke, this school had already given abundant tokens of future usefulness. Among the statutes of the session of 1848-'49, was an act establishing, upon Dix Hill, near Raleigh, a long needed asylum for the insane of North Carolina. Up to that time, we had no better accommodations for this unfortunate class of our people, than loathsome county jails, which in the meagreness of their appointments, are yet a shame upon our civilization. Incarceration in these living tombs, during the winter months, is in most instances, still unspeakably horrible. North Carolina needs a John Howard to right this ancient neglect, and to lift our penal arrangements into symmetry with our benevolence in other respects. The gentle Dorthea Dix of New York, was largely influential in the foundation of the Insane Asylum, and the hill upon which it was built, was named in her honor.

On the death of Judge Gaston, in 1844, Frederick Nash of Orange, previously a Judge of the Superior Court, was selected as his successor. He was born and reared in Craven, and was the son of Governor Abner Nash. Judge Nash inherited the patriotism and intelligence of his distinguished ancestor. He was learned in the law, singularly polished and gracious, and pure as a Roman vestal, in the manner of his life. Judge Gaston had excited more admiration by display of oratory and statesmanship, but his successor gave entire satisfaction, both to legal gentlemen and the public at large.

*Wheeler, vol. I, page 137.

The Supreme Court was entirely admirable in its membership. Thomas Ruffin of Orange, elected a member in 1829, had been Chief-Justice since the death of Judge Leonard Henderson, December Term, 1833, and his opinions were being quoted with highest commendation, not only throughout the United States, but across the Atlantic, in Westminster Hall. In the month of February, 1848, this tribunal was again bereaved in the death of Judge Joseph J. Daniel. In purity and simplicity of life, this venerable man realized those lofty ideals of human perfection, which are sometimes portrayed by great writers of fiction. "Mr. Allworthy" and the "Vicar of Wakefield" may appear overdrawn to persons unacquainted with Judge Daniel, but in truth, modesty and benevolence, he was fully as unspotted.

Upon the presentation of the proceedings of the Metropolitan Bar, by Governor Iredell, Chief-Justice Ruffin remarked of his dead companion: "He was without arrogance or ostentation, even in his learning; had the most unassuming and charming simplicity and mildness of manners, and no other purpose in office than to execute justice and maintain truth, and therefore, he was patient in hearing argument, laborious and calm in investigation, candid and instructive in consultation, and impartial and firm in decision." Governor Manly appointed William H. Battle, then a Judge of the Superior Court, as his successor, until the meeting of the Legislature. Judge Battle was acceptable both for his learning and character, but it was objected, that as two of the Judges were already from Orange, that other portions of the State, as well as the Hawfields, were entitled to representation in this high court of appeals. Moved by this consideration, and the great reputation of Richmond M. Pearson as a jurist, he was selected as Judge Daniel's successor.* Augustus Moore of Edenton, then leader of the First Judicial District, was appointed Judge of the Superior Court. He was deep as a jurist, powerful as an advocate, and revered as a man; but not relishing judicial station, he soon resigned his high position. He

*W. D. Valentine's Diary, 1848.

went back to the practice of his profession, and in April, 1851, to the sorrow of all who knew him, died, a comparatively young man.

Francois Xavier Martin, so prominent in North Carolina during the earlier years of the century, died on the 10th of December, 1846. He had not resided in our State since his appointment, by James Madison, as a Judge of the Territory of Mississippi. He was, the next year, transferred to that of Orleans, and at the time of his death, was on the Supreme Court bench as Chief-Justice of Louisiana. In the twenty-seven years of Judge Martin's residence in North Carolina, his services were great, unceasing and worthy of immortal preservation. Like Stephen Cabarrus, he came here a poor French boy, but became prominent not only in the Courts and General Assembly, but, in 1801, by authority of the Legislature, he compiled and published the statutes then in force in the State. Amid his other duties, he found time to write and publish a history of North Carolina.*

The earlier days of 1849 witnessed continued disturbance and revolution in Europe. Americans were informed, by the newspapers, that Pius IX. had fled from the Vatican to Naples. The long and cruel misrule of priestcraft seemed tottering to its fall in that noble Italian realm, once the imperial mistress of the world. Kossuth and the Hungarians were soon to become famous in their heroic and unavailing struggle against the tyranny of Austrian domination. Charles Albert and his Piedmontese came to grief also, in their encounter with the House of Hapsburg, and one by one, the outbreaks for a larger measure of liberty were being crushed out by the banded armies of relentless kings. In America, there was, during the late Presidential conflict, an omen of impending change and disaster. The Convention which met in Buffalo, New York, and there nominated Martin Van Buren and Charles Francis Adams, as the candidates of the "Free Soil Party," and perhaps defeated General Cass for

*Dr. Hubbard's Lecture.

the Presidency, by dividing the Democratic vote in New York. Their effort was despised from the fact, that not a single elector, favorable to their candidates, was chosen by the American people.* But they were to persevere under defeat, and, twelve years later, the party had assumed such proportions that they passed into control of all branches of the general government.

On the 5th of March, General Zachary Taylor was qualified as President of the United States. Within three months after Mr. Polk left the White House, he died at his home in Tennessee. He was pure and faithful, and learned in the wisdom of his day, but was wanting in that impressiveness and originality which had made Washington, Jefferson and Jackson the greatest of our rulers. The nation advanced immeasurably during his term of office, and yet, the Democratic party suffered a great defeat, notwithstanding the glory and success of the Mexican war. It would be unjust to attribute this fact to any mismanagement on the part of Mr. Polk. The American people felt no dissatisfaction with the out-going administration. The dream of the country has ever been, that there are some men great enough to despise the trammels and prejudices of party. General Taylor, in his unaffected simplicity and devotion to duty, seemed to them a realization of this popular ideal, and thus it was that they, in search of a nobler type of ruler, disregarded trading politicians in their support of old "Rough and Ready."†

The question of slavery in the new territories, disturbed the peace of the administration in the first moments of its existence, and assumed a higher significance in Congress than had been known since 1820. Southern members were divided as to what should be done in relation to California. Some followed the advice which had been given by Mr. Polk for the extension of the Missouri Compromise to the Pacific Ocean. Mr. Calhoun denied that Congress had power to either exclude or introduce slaves into the common property of the nation. That as the Con-

*Holmes, page 553.

†Colonel Benton, vol. II, page 722.

stitution recognized such property, the territorial courts were compelled to protect it until the people of the territories should become sovereign by the formation of a State Constitution. W. L. Dayton of New Jersey, introduced resolutions in the United States Senate, affirming that the Constitution did not extend over the public domain, outside of the organized States. To the astonishment of lawyers in our midst, in the memorable debate that followed, Senator Dayton was sustained, not only by John P. Hale of New Hampshire, but by Daniel Webster, who had previously won the title of "Great Expounder." A long struggle ensued on this vexed and ominous topic, and the good men of all sections looked on in mournful solicitude as the evil days of blood and confusion grew hourly more inevitable.

About this time a national thanksgiving was recommended by the President of the United States. Governor Manly endorsed this extra-official suggestion, and the pious innovation is still steadily kept up.* There was indeed, at that day, every reason for National and State thanksgiving. God had blessed the people beyond all precedent, and it became them as intelligent beings to show forth their gratitude. In the Congressional election of this year, Colonel David Outlaw was re-nominated by the Whigs to represent the Edenton (then the Ninth) District of North Carolina. The opposite party brought out General Thomas J. Person of Northampton, as his competitor. He was young, and a recent graduate of our University. A year before, he began political life, and was elected to the House of Commons, defeating the highly popular and distinguished David A. Barnes, for that position. General Person was not successful in this campaign, but through his efforts, aided by J. L. M. Rodgers, Dr. W. S. Copeland and others, Northampton ceased to be Whig in its politics. Colonel Outlaw was returned by a handsome majority, and won the respect of all parties in the Congress of the United States. He was not of a temperament to be forward and officious in a deliberative body, but his words were always weighty

*W. D. Valentine's Diary.

and to the point. He was equally eloquent, sincere and capable, and when aroused on great occasions, became grand in the stately and burning wealth of his oratory. He found some important changes in the composition of the North Carolina delegation in the House of Representatives. In the Wilmington District, the long-honored James J. McKay was replaced by William Shepperd Ashe. This genial and able man was from a house, which for a century past, had been paramount in the Cape Fear region. In the field, Cabinet and higher walks of society, they had been all the while recognized leaders. He was the son of Samuel Ashe, whose father of the same name, was one of the Governors of North Carolina. General D. M. Barringer, of the Salisbury District, having been appointed United States Minister to Spain, was succeeded in Congress by Joseph Pearson Caldwell of Iredell. Like his brother, Judge D. F. Caldwell, he was a lawyer, and worthily sustained the credit of his family for honor and talents. Edmund Deberry replaced Nathaniel Boyden, and Richard Spaight Donnell, only son of Judge Donnell, and grandson of the first Governor Spaight, was succeeded in the New-Bern District by Edward Stanly. These talented men did not continue the ancient personal and political antagonism of their ancestors, for both classed as Whigs. Messrs. Clingman, Caldwell, A. H. Shepperd and Deberry, were of the same party, while J. R. J. Daniel, A. W. Venable and Ashe, were Democrats. Mr. Daniel had been Attorney-General of the State, and was Chairman of the Committee on Claims in the House. Mr. Venable was originally from Virginia, but in his long residence in North Carolina, he was ever honored and appreciated by our people.*

In some respects the State was greatly improved in the condition of the people. Much of the unreasoning party hatred of preceding years, had given place to a larger charity between men, siding respectfully with the great opposing political divisions.

*Wheeler, vol. II, page 293.

But an unhappy custom of public debate between preachers of the Baptist and Methodist Churches, at this time, became fashionable in the Albemarle section of the country. These angry and childish spectacles were generally the outbreak of clerical vanity, and often ended by setting whole neighborhoods at variance, and convincing no one as to the truth or falsity of preconceived opinions. God has so constituted men, that in such matters they are apt to resent the most harmless assertion of difference of opinion. How unwise is the man who would then engender discord in an affair intended for the peace and effectual good will of the communities professing faith in one common religion.*

The necrology of the period now reached in this chronicle is full of mournful interest to the students of North Carolina history. In the month of July, 1849, Charles Fisher departed this life. He had been long prominent in political service and a large number of friends and admirers were pained at the intelligence of his death. More than once, as a Democrat, he had been elected to the National House of Representatives. He left a son of the same name, who married the daughter of his rival, Judge Caldwell, who was not only to add lustre to the name of Fisher, in civil life, but to win immortal honor in a short but glorious experience in the fast approaching war between the States.

In July, during the preceding year, Weston Raleigh Gales died at his home in our State capital. He had been for several years the editor of the *Register*, so long organ of the Whig party in North Carolina. Mr. Gales was a man of fine social qualities and was greatly missed in political and domestic circles. He did not, perhaps, equal his father and brother, as an editor, but was still entirely respectable in his chosen walk in life. The first Joseph Gales known to us, died on May 24th, 1842. He was reared in England, and was conducting, at the city of Sheffield, a liberal newspaper, when he was forced to leave his native land to avoid a government prosecution for something published in his journal. He came to America, and, in 1799, established the

*W. D. Valentine's Diary, 1849.

Raleigh Register. His son, Joseph Gales, was the ablest of the name. He, with his brother-in-law, W. W. Seaton, for many years presided over the fortunes of the *National Intelligencer*, the Whig organ in Washington City, which, for dignity, propriety and intellectual elevation, is yet unmatched in the history of American journalism. The second Joseph Gales was possessed of winning personal attributes, and was the intimate associate of the greatest men. In everything but financial success, he was a paragon of editors. Young Seaton Gales, then fresh from his studies at Chapel Hill, upon the death of his father, Weston R., assumed control of the *Register*.* Major Gales inherited the intelligence and virtues of his race, but did not long continue an editor. William W. Holden had been, for some years, in charge of the *North Carolina Standard*. His paper was the organ of the Democratic party, and evinced much ability in the editor, who was then but thirty years of age. Mr. Holden, though an amiable man in private life, has ever had the misfortune to be thoroughly hated by his opponents.

The spring of 1850, still found the nation convulsed and anxious as to the result of the long and angry discussions in Congress. Perhaps the death of Mr. Calhoun, in a measure, facilitated the apparent pacification reached in the latter days of September. Mr. Calhoun was a man of very great abilities; in purity and sincerity he was above suspicion, but he always forgot that the greatest achievements of statesmanship are, after all, but the compromising of conflicting interests. He was never catholic in his nature. The union of the States was, in his estimation, subordinate to South Carolina and the South. In this way, his long service, his unequalled genius and his illustrious name, were all thrown in the balance against that moderation which was so much needed in the conduct of American affairs.†

Millard Filmore, a New York Whig, as the successor of General Taylor, had the wisdom and magnanimity to disregard many of the prejudices of his section. Texas was paid ten millions of

*Wheeler, vol. I, page 115.

†Colonel Benton, vol. II, page 747.

dollars for her claims upon the Territory of New Mexico. California was admitted as a free State, and the Territories of Utah and New Mexico were organized, with no provisions as to slavery. As a further compromise, the slave trade was forbidden in the District of Columbia, and the famous act for the recovery of fugitive slaves, became the law of the land. The Northern people were exasperated at this, the only concession made by that section, on this memorable occasion in our political history. As far back as 1787, when Thomas Jefferson, in the deed of cession from Virginia, of the northwestern territory, provided that slavery should be excluded from that great domain, that ordinance did not become law, until the provision for recovery of fugitive slaves was annexed thereto. Simultaneously, at Philadelphia, the Convention which framed the Constitution of the United States, inserted a similar provision in that compact. But the North was deaf to all these facts. Imitating the course of South Carolina in 1832, the Northern States in 1850, at once commenced to enact their personal liberty laws, which were, in effect, plain acts of nullification. Congress enjoined upon the officers of the United States, and the citizens of the vicinity, to seize and return fugitive slaves, where found, while the Northern States enacted laws making it penal to do the thing commanded by the general government.

In this year, public attention was revived in Eastern North Carolina in regard to a matter which had long been held as of paramount importance in that section. Nature had obstructed the sea-coast with an almost uninterrupted barrier of low, narrow sandbanks, separating the sounds from the waters of the ocean. Wimble's Chart of 1738, published and dedicated to the Duke of Newcastle, shows that, at that date, Nag's Head Inlet was open, and was twenty-four feet deep. Several reports of scientific men had recommended the feasibility of re-opening this gateway to the sea. Hamilton Fulton, in 1815, then Murphy, then Colonel W. G. McNeill, and last of all, Major Gwinn, joined in recommending the construction of a ship channel by the general government, through this former natural outlet. Several eminent

citizens, in the winter of 1849, published a circular counselling the calling of a convention of the Albemarle region, to consult on this matter. The result was, a large and intelligent body met in the Methodist Church at Plymouth, on March 18th, 1850, and prepared a memorial which was forwarded to Colonel David Outlaw and others, then members of Congress. John A. Anderson of Winton, presided over the preliminary stages of the proceedings, but Colonel Andrew Joyner of Halifax, so often President of the North Carolina Senate, was the permanent Chairman. Eloquent addresses were made by William B. Shepherd and J. C. B. Eringhaus of Pasquotank. Thomas F. Jones of Perquimans, Dr. John R. Gilliam and P. H. Winston of Bertie, Dr. S. J. Wheeler of Hertford, and Josiah Collins of Washington. It is needless to add, that nothing grew out of this movement. Though this project is even now a matter of discussion, the ever-growing barrier is still undisturbed, while untold millions of dollars are uselessly squandered in other sections under the annual appropriation for the improvement of rivers and harbors.*

The people of North Carolina were much excited at this period, over the Democratic proposition for free suffrage. In 1835, the Convention compromised the long struggle between the East and West, by making taxes the basis of representation in the Senate, while federal population was that of the House of Commons. Eastern counties possessed more slaves and wealth, and in this way protected themselves from over-taxation. A freehold qualification of fifty acres of land enabled men to vote for Senators. Governor Reid and his party proposed to abrogate this feature in the Constitution, by legislative enactment and submission to popular vote. The Whigs really disliked the proposed change, but were too timid to give it a manly opposition. They offered to effect the change in the organic law, by a convention, well knowing that the East would not consent to the calling of such a body. Governor Manly, as a set-off, proposed the election of

*Valentine's Diary, 1850.

Judges by the people, but this did not please his party, and only added certainty to his defeat.*

The admission of California (as a State) into the Union was immediately followed by the protest of ten Southern Senators. The disregard of the Missouri Compromise was bitterly resented, and many men in the cotton States advocated dissolution of the Union. Delegates from seven States met in convention at Nashville, Tennessee, to devise remedies against what they denounced as encroachments upon the reserved rights of the States. This body met June 5th, but effected nothing. During the summer the people were much excited at the news of the capture of Colonel Crittenden and a party of Americans, who had accompanied one Lopez, in a fool-hardy expedition against the Island of Cuba. They all suffered death for their temerity. On December 6th, Louis Kossuth arrived in New York and afforded an opportunity for unbounded enthusiasm at his reception.

The August elections resulted not only in the success of David S. Reid of Rockingham, as Governor of the State, but in a Democratic majority in both Houses of the Legislature. The venerable Weldon N. Edwards of Warren, became President of the Senate, while James C. Dobbin of Cumberland, was made Speaker of the Commons. The latter was an able attorney, who had served one term in Congress, and had gone back to win fresh laurels at the bar. Mr. Dobbin was a Chapel Hill man, and graduated in the class of 1832. He was eloquent, gentle, and beloved for the purity of his life. Though destined to still higher honors, his feeble body gave even then, unmistakable tokens of his early and lamented demise. It is needless to add, that both he and Mr. Edwards, were above reproach in the discharge of their high and delicate duties.

John W. Ellis of Rowan, had been recently elected Judge by the Legislature. He was a young man of fine presence, gracious demeanor and excellent mental endowments. He had reached judicial station so early as to be necessarily shorn of that large

*Valentine's Diary, 1850.

legal knowledge which is only the result of long experience, and which at that date, was traditionally expected of North Carolina Judges. He brought no discredit on the bench, but made troops of friends wherever he went. Judge Manly succeeded him in the Edenton Circuit, at the fall term. He is a man of singular learning, dignity and elegance of manner. He had married the daughter of Judge Gaston, and, like that great man, was a member of the Roman Catholic Church. This body of Christians has ever been insignificant, as to numbers, in North Carolina, but so broad has been the charity of our people, that Judges Francois X. Martin, William Gaston, J. R. Donnell, M. E. Manly, R. R. Heath and William A. Moore, have all received recognition and distinction at our hands.

Several new members made their appearance in the State Legislature of this year, who were destined to distinction. Amiable Henry Toole Clark, son of Major James W. Clark, a member of Congress in 1815, appeared for Edgecombe. Governor

NOTE.—The vicinity of Pitch Landing was much enlivened on the 11th of June, 1850, by the marriage of Thomas Riddick of Gatesville to the lovely and most gracious Miss Fanny Lewis, second daughter of Watson Lewis, for so long a time a resident of that part of the country. Mr. Riddick was a widower, having previously married a sister of Judge Augustus Moore, but succeeded in winning a most charming bride over a host of discomfited suitors. The rite of matrimony was celebrated by a remarkable man. In the history of churches in the Albemarle region, no man has ever equalled the Rev. Quinton H. Trotman. He had not only surmounted the early disadvantages of a neglected education, but rose to be the peer of the ablest divines in the land. Not even John Kerr of Caswell, or Abraham W. Poindexter, who went from Bertie, could have exceeded him in intellectual power or the vivid and intense glow of his pulpit oratory. He was as able in exposition as he was eloquent in his appeals to the fears and affections of his auditory. Throughout his life he was the idol of that vast Baptist community constituting the Chowan Association. He was devoted in his attachment to the Democratic party, and was more than once begged to become their candidate for Congress. Though he doubtless could have been elected, he steadily refused the glittering offer, and in honorable poverty and devotion to his sacred calling, went his ways. God had endowed him with powers to have made him a leader and captain of men, but in submission to a sense of duty, his entire manhood was consumed in repeating to the country churches the story of the Cross.

Clark had succeeded to much of the influence formerly possessed by General Louis D. Wilson, and, with R. R. Bridges and others, made their county the "Tenth Legion" of North Carolina Democracy. Lewis Thompson of Bertie, Patrick Henry Winston, with Joseph B. Cherry, represented the same constituency in the Commons. Mr. Cherry was a younger brother of the distinguished man lately deceased, and possessed many of his gifts. P. H. Winston was then a young lawyer, whose proclivities had led him to generally disregard political honors, but he has found abundant compensation in his legal practice. To erudition, he adds an exhaustless and inimitable store of the drollest humor, under which many an antagonist yet winces in recollection. He had a fit compeer in the same ancient village of Windsor, in the person of Henry A. Gilliam. This able and finished lawyer, has so rarely participated in political life, that, like John Hay of Fayetteville, he will probably be remembered only as a limb of the law. In knowledge of his profession, merciless sarcasm and redundant wit, he is unsurpassed in all our borders. In this same Legislature, also appeared the large intelligence and strange eccentricities of Atlas J. Dardan of Anson, along with the elegant and courtly Samuel P. Hill of Caswell.

The people of Albemarle, at this time, had long been accustomed to the tri-weekly visits of the little steamer *Fox*, so long commanded by Captain Middleton. This diminutive craft was the pioneer of its class in our waters, and was long alone in its glory, on the beautiful stretches of the Chowan River and the Albemarle Sound. The steamer *Fox* limited her small capacities, almost exclusively, to the accommodation of passengers. Sailing vessels were yet the means of traffic between us and Norfolk and Baltimore. The Dismal Swamp Canal had rendered useless the bold and perilous seamanship, so common among our people, when our dangerous coasts were to be approached on the return trips from the West Indies. The Dismal Swamp Canal was chartered in 1790. General Washington was an original stockholder, to the amount of five hundred dol-

lars. Many years elapsed in its construction, and it was not until the general government had aided the work by taking a half million of dollars in shares, that it became fit for traffic. It was, in its day, a work of great importance, and enjoys the proud distinction of being one of the very few investments of the kind, which has ever repaid in part, the sum invested by the national government. It was soon to be eclipsed by the superior pretensions of a new route, called the Albemarle & Chesapeake Canal. But time is rich in its revenges. Public opinion is fast pronouncing the superior availability of the old route, and, like spoilt children, we are rushing back to our former appreciation of this neglected work.

The year 1851 saw the American people still rent and angry over the compromise effected in the preceding September. Notes of discontent at the passage of the "Fugitive Slave Law" deepened in the North. In January, the State of Vermont set the example of resistance to the execution of the recent statute passed by the government of the United States. Governor Williams of that State, though he had acquired distinction in judicial functions, approved the revolutionary proceedings of the Legislature, and corroborated the startling announcement made a few months before, in Congress, by Senator Phelps. Upon the heel of this news from the Green Mountain State, came the intelligence that a mob had openly resisted the officers of the United States, and had rescued from their custody, in Boston, the slave Shadrach. Fired at such occurrences, William L. Yancey of Alabama, and hosts of politicians in South Carolina, ceaselessly labored to effect a dissolution of the Union, which they had come to believe was of no further service to the South. In February, Colonel Benton, who had for thirty years represented the State of Missouri in the United States Senate, was defeated for that high position. In the Edenton District, Colonel Outlaw had given such universal satisfaction by his course in Congress, that the Democrats forbore any opposition to his return. He was a magnanimous and gracious statesman, and, though a Whig, was ever firm in his adhesion to the doctrine of State rights. He was at this time

sorely tried with his political allies at the North. The Whig members of Congress from that section were, to a man, "Free Soilers," and were invariably found voting against any proposition looking to the extension of slavery. Mr. Webster, that year, declared, at Capon Springs, Virginia, that whenever the Whig party at the North became abolitionized, he would quit it. The Massachusetts statesman did not consider Free Soilism as an equivalent term, but Southern men saw but a slight difference in the "Wilmot Proviso" and the more speedy process of destruction soon to be inaugurated by Captain John Brown, at Harper's Ferry.

For several years there had been much interest on the subject of temperance. Philip S. White, a Kentucky lawyer, canvassed the State and created great enthusiasm by his brilliant and unique addresses on the importance of total abstinence. The World's Fair in London, was also of great interest to the people, and resulted in bringing into renown the invention and progress of the United States.

The Chowan Baptist Association convened with the church at Bethlehem in the month of May, and was memorable in the long list of similar occasions in the Albemarle country. This body had its origin at the church called Meherrin, near Murfreesboro. A remnant, styling themselves Primitive Baptists, retained the old title, but a vast majority of churches and members, under the lead of George Outlaw of Bertie, who was the first Moderator, then established the Chowan Association. In all the region east of the Roanoke and north of the Albemarle Sound, the new body completely swallowed up the men and women who were of Baptist persuasion.

A vast concourse always attends these popular anniversaries. The people came to Bethlehem by thousands, but amid the many distinguished divines, there was great sorrow for the absence of one previously an attendant upon the sessions. Rev. Thomas Merideth was no more. As the founder and editor of the *Biblical Recorder*, he had grown dear to the Baptists of North Carolina. His first service in our State was in the Chowan Associa-

tion, and through the long years of his subsequent usefulness, the people had watched with solicitude, his useful career as a divine and editor. Most conspicuous among the visitors from a distance, was the venerable and famous Dr. William Hooper. This profound scholar, elegant writer and powerful preacher, was the namesake and grandson of the illustrious man who was one of the three who represented North Carolina in the Continental Congress of 1776, and affixed their signatures to the immortal declaration of American Independence. There, too, was Rev. Thomas Tobey, late a missionary in China, and others of lesser note.*

Among the resolutions, it was determined, in view of the large success attendant upon the institute at Murfreesboro, that a male school, likewise under the patronage of the Association, should be established in Gates county. This seminary, which still survives in its usefulness, was named in honor of Rev. J. S. Reynolds. This pious and devout man had won the hearts of all in the East by his bearing. He was an Englishman by birth, and had been reared amid the storms and dangers of the sea. In his vivid and powerful appeals from the pulpit, the ocean, which he still loved, afforded him a never failing source of anecdote and metaphor. In his great usefulness in our midst, he yearned to set foot again upon his native shore. He sailed upon the ill-fated steamship *City of Glasgow*, but alas! he came no more. The ship and all her living freight perished at sea. This frank and genial man had often expressed the wish that the ocean should be his grave, and in the recesses of inscrutable Providence, the strong man, in the glory of his usefulness, was gratified in his desire.†

The year of 1851 was signalized in Hertford county by inauguration of another move in behalf of education. In the month of June, a number of prominent men connected with the Methodist Church, met in Murfreesboro, and resolved upon the erection of the Wesleyan Female College. The Albemarle region of

*Chowan Minutes.

†Dr. S. J. Wheeler's Diary, 1851.

North Carolina and southeastern Virginia joined in this noble work. John W. Southall, who had been long noted for his devotion to the Methodist Church, was conspicuous for his munificence to the new institution, and was elected the first President of the Board of Trustees. Rev. William Grant of Northampton, then a member of the Virginia Conference, was made the agent for collecting funds needed for so costly an enterprise. Mr. Grant then, as now, was possessed of great good sense, energy and popularity. He entered upon his labors, and, ere long, the new undertaking assumed such proportions as gave abundant assurance of future success. In the providence of God, this excellent institution has met with a great misfortune. In the month of August, 1877, the fine building, with all its costly furniture, was totally destroyed by fire. But it is to be hoped that so noble and useful a monument of the past, will soon arise from its ashes, and that a long career of usefulness may still add to its wide renown.*

In 1842, Rev. Aldert Smedes established at Raleigh the now famous St. Mary's School for young ladies. His singular grace and accomplishments and the real excellence of the means used, soon created a seminary which is yet high in the favor of the Southern people. Sound learning and a peculiar elegance were soon communicated to hundreds of the fairest and best women of the nation, at this now celebrated seat of learning. Dr. Smedes' recent death was deplored as a public calamity, and especially by the hundreds of his pupils who are so widely the ornaments of society.

A year later, the Methodist Female College of Greensboro was established, which was put under the charge of the Rev. S. Lea. This soon became a favorite and flourishing institution, and was under the charge of Dr. C. F. Deems at one time. This able scholar and divine, within himself, was an assurance of the merits of the instruction. After many vicissitudes, this excellent seminary has arisen from destruction, and is again among the foremost in renown and usefulness.

*Valentine's Diary.

Judge Thomas Settle of Rockingham, presided at the fall term of the Albemarle Superior Courts. He embodied much that was most to be admired in the character of a North Carolina gentleman of the old school. He had been equally brilliant as an advocate and stump orator. After serving in the Congress of the United States, he had twice presided with much applause, as the Speaker of the North Carolina House of Commons. He was a great favorite with the members of the Baptist Church, and was often Moderator of the Association to which he belonged. As a Judge, he was learned in the law, patient in the conduct of causes and ever impartial in his rulings. Through his long and acceptable service he was as much respected as admired, and when, in ripe old age, he lay down to his long rest, no man had ever died in the State with a purer record.*

The growth of sectional feeling was manifested in the State legislation of the period now under consideration. The unhappy free negroes felt the force of more than one odious statute. A vigilant patrol had long excluded them, in a great measure, from all intercourse with persons of the same race on the plantations. The slaves were guarded with a jealous care from their approach, as from certain contamination. Under this state of affairs they generally gathered into little communities of their

NOTE.—Many changes had come upon the Albemarle Bar. Jesse Wilson, W. W. Cherry, C. R. Kinney, Augustus Moore, John L. Taylor and Malachi Houghton, were all dead. Colonel David Outlaw was absent at his post in Congress. Messrs. Smith, Valentine and Yancey were still greeted by Thomas Bragg and David A. Barnes of Northampton. From Bertie came learned, humorous and sometimes eloquent, Patrick Henry Winston. From the same county, was handsome, vivacious and promising Henry Benjamin Hardy. R. R. Heath from Chowan, and George W. Brooks from Pasquotank, both to become distinguished Judges, with gentle and high-bred William J. Baker of Gates, were likewise usually in attendance. Major Baker was the grandson of General Lawrence Baker, so distinguished in the early history of the State, and worthily continues the ancient virtues and intelligence of his race. He married Sarah Frances Collins, the sister of Mrs. Lewis Cowper, who likewise is endowed with all that is good and beautiful in female character.†

*Wheeler, vol. II, page page 354.

†Valentine's Diary.

own. Such men as old John Bisselle, who had fought through the Revolution as a soldier in the patriot ranks, recalled with unavailing regret the ancient consideration and privileges of his class lost in the changes wrought in 1835. A great exodus to Ohio, of the class known as "Mulattoes," was the consequence of depriving them of the right of suffrage. That State, by law, had at length forbidden such migration. North Carolina and Virginia imitated this harsh and disheartening legislation. Not only were free persons of color, not denizens of these Commonwealths, forbidden access to their borders, but if they presumed to leave the homes of their birth with the lapse of a short period, it was made unlawful for them to return. Like English paupers tied to their own parishes in a land of liberty, they experienced much of the bitterness born of despotism and tyranny. Many free negroes were indicted for coming into our midst, for that was as much misdemeanor as carrying a gun without license of a Court, or trading with a slave.*

It was a custom of large slave holders in North Carolina to own and stock farms in the far South. They continued to reside in our own midst, but the large portion of their servants were hundreds of miles away on the cotton and sugar plantations in the Gulf States. In this way, North Carolina was not only stripped of a large portion of its labor, but the merciful supervision of enlightened owners was replaced too often by cruel and indifferent task-masters. Overseers, under such circumstances, became the irresponsible autocrats of a community that had no appeal from their merciless exactions. In the providence of God this state of society has all passed away. Humanity and forbearance on the part of the masters were generally the rule in their treatment of their slaves. In the rare exceptions where this was not the case, public indignation and contempt were generally awarded the man, who, in avarice or cruelty, forgot the duties of his station. The world grows better with the lapse of ages. We may rest

*Revised Statutes of North Carolina.

confidently assured in the mighty changes we have seen, that a higher civilization is still possible for us and posterity.

Like King Arthur marching to meet his doom, so, in 1852, the great Whig party again set the battle in array, but to meet with overwhelming and irretrievable defeat. That organization in North Carolina, at the Raleigh Convention, nominated John Kerr of Caswell, to oppose Governor David S. Reid for the high and responsible position of Governor of the State.* Judge Kerr was the son of the famous Baptist preacher of the same name. Like his father, he was gifted and eloquent. As an advocate, he had no superior, and in grace and oratory greatly surpassed his adroit and successful competitor. Caswell county has produced Bartlett Yancey, R. M. Saunders, Bedford Brown, Calvin Graves, Samuel P. Hill, Edwin G. Reade, and others, but in this proud array, the name of John Kerr will ever maintain a conspicuous position. Like the first Judge Settle, he was prominent as a member of the Baptist Church, and was often the Moderator of his Association. His opponent, David Settle Reid, had been twice a member of Congress before his election as Governor. His first political service was in 1835, when he appeared as a member of the Legislature for Rockingham. Governor Reid is rather solid than showy in his intellectual gifts. His political adversaries felt bitterly their defeat, and were not slow in their efforts to depreciate the author of their misfortunes, but North Carolina has produced no statesman more blameless in his life, or more sagacious in his counsels than David S. Reid. He married his kinswoman, the daughter of Judge Settle, and survives in a green old age.

General Winfield Scott and William A. Graham were selected by the Whigs, to oppose Franklin Pierce and William R. King, for the Presidency and Vice-Presidency of the United States. The issue proved that the Whigs had made a great mistake in overlooking the claims of Millard Filmore. He had nobly discharged his duty as President, and the only objection to his nom-

*Wheeler, vol. II, page 354.

ination came from men of the North, who resented his execution of the fugitive slave law. He, and the still more illustrious Daniel Webster, were neglected, and General Scott, with nothing but a military record to recommend him, was selected as the standard bearer and exponent of a great compromise agreed upon two years earlier. General Franklin Pierce, though he had seen military service, was essentially civilian in all his claims. He did not realize the highest conditions of greatness as a statesman, but as a man, was thoroughly noble and true. The great Triumvirate in the Senate possessed names and qualities he did not pretend to rival, but not even Judge Woodbury had been so potent in holding New Hampshire to its fealty to the Constitution of the United States. To the day of his death, in all the tumult and bloodshed of that period, he was ever the friend of the Southern people and the asserter of our rights under the great compact.*

Both the candidates for the Vice-Presidency had been students of the University of North Carolina. This venerable seat of learning, besides Judge Mangum, Colonel Benton and Israel Pickens in the Senate, was illustrated by the fame of John Y. Mason of Virginia, and a host of other political men of less prominence. Among divines, it had sent out Bishops Otey of Tennessee, Hawks of Missouri, Polk of Louisiana, Green of Mississippi, and Davis of South Carolina. In those days, the Spanish Mission and the place of Secretary of Navy seemed to belong to North Carolina. In the years included between the first administration of General Jackson and the breaking out of war between the States, they were almost constantly filled by North Carolinians.†

In the spring of that year, the Whig members of Congress held a caucus in Washington City, of which Judge Mangum was President. After Edward Stanly had introduced a resolution for fixing the time of assembling of the National Convention for that party, Humphrey Marshall of Kentucky, also made a propo-

*Ctuskey, page 439.

†Catalogue of Alumni.

sition, in effect heading off the friends of General Scott. Upon the failure of this movement, Colonel David Outlaw and other prominent Southerners left the body and openly announced their hostility to the great warrior.* Mr. Clingman and other Whigs manifested much disgust upon the announcement of General Scott's nomination. They were justly attached to Mr. Filmore, and were outraged at the slight put upon him at Baltimore. This was the last contest on national issues by the great party so long and ably led by Henry Clay. They sustained a Waterloo defeat, and surrendered the field to the Democrats and their successors.

The nation was this year pained in the loss of two of its greatest men. Henry Clay died at his post in Washington, on Tuesday, June 29th, 1852. Within a few more months he was followed by Daniel Webster, at his home in Marshfield, Massachusetts. In our own limits also died, William B. Shepherd on Sunday, June 20th of the same year. The Democrats had re-elected Governor Reid by more than five thousand votes majority. They also elected a majority in the Senate, which body selected the venerable Weldon N. Edwards of Warren, as President. But in the House of Commons the Whigs were still in force, and the able and astute John Baxter of Henderson, became Speaker. Colonel John H. Wheeler of Lincoln, was this year a member of the lower House, and was discharging his last public duty in our State, as he the next year removed to Washington City. There too, were first seen in the State's councils, Henry H. Shaw of Currituck, R. H. Smith of Halifax, S. F. Phillips of Orange, and Robert Strange, Jr., of New Hanover.†

The people were this year much edified in the public addresses and social gifts of Dr. J. F. Tompkins of Beaufort, who as editor of the first agricultural paper of the State, was canvassing in behalf of his journal.‡ Anything new under the sun, is a

*General Clingman's Speeches, page 309.

†Journals, 1852-'53.

‡Valentine's Diary.

God-send to the quietude and monotony of country life in North Carolina. Christmas festivities, the celebration of the 4th of July, and the usual protracted meetings, were the only things to break the dull routine of lives spent in planting and harvesting in the same manner as their fathers had followed before. The protracted meetings replaced the camp grounds, so popular with the churches in the State, thirty years before. For a whole week, the pastor, aided by other ministers, collected great crowds of the people, and 'mid preaching, singing and feasting, there was, and still is, often great religious excitement produced. Pious people were much edified on such occasions, and to the youthful and unconcerned there were opportunities for unbounded courtship and flirtation between the belles and beaux of the surrounding country. Many godly men prefer the Sunday school and other means of grace to replenish the churches, but long habit has so wedded the people to these annual festivities, that opposition is unavailing. Men are gregarious and, perhaps, no popular gatherings could be so harmless or more productive of good, and so in strivings for higher advancement, it may be well to leave undisturbed, these social and religious reunions of the people.

CHAPTER IV.

A. D. 1853 TO 1857.

Franklin Pierce President—Mr. Dobbin Secretary of the Navy—Judge Saunders and the election to the Senate of the United States—Attorney-General Ransom—Death of ex-Governor Iredell—Edenton and its people—Rev. Dr. Johnston—Dr. Norcum, Judge Heath, Colonel Paine and others—Judge Albertson, Thomas F. Jones and John P. Jordan—Judge Brooks—Senator Poole and Colonel Martin—Edenton Whig Convention—Colonel Outlaw and Dr. Shaw—Beaufort and its claims as a port of entry—Nag's Head and the fisheries—Clergymen—Rev. Drs. Wingate, White and McDowell—Revs. W. H. Jordan and A. W. Poindexter—Bishops Ives and Atkinson—Members of Congress—Colonels Shaw, Ruffin, Rogers, Venable, John Kerr, Puryear, Burton Craige and General Clingman—Joseph Seawell Jones—Introduction of Peruvian Guano—The Know Nothings—Russian War—Whigs nominate General Dockery for Governor—Thomas Bragg defeats him—Judge Bailey and Judge Person—Douglas introduces a fire-brand, in his Nebraska Bill—Northern sentiment—Judge Badger alone in United States Senate from North Carolina—The Know Nothings reach the Albemarle country—Their law suit with A. W. Darden—T. M. Garrett—Assembly of 1854—Warren Winslow and S. P. Hill Speakers—Governor Vance—Colonel Coleman, Giles Mebane and Judge Sheppard—Judge Reid United States Senator—Spiritualists—Foreign Missions and Rev. Dr. Yates—The County Courts—War in the Crimea—Dr. Shaw and Colonel Paine—Yellow fever in Norfolk, Virginia—Political changes—Colonel Wheeler loses his slaves in Philadelphia—Jesse Jackson and the Crusader—Bleeding Kansas—Know Nothings in Congress—Governor Bragg and Mr. Gilmer—James Buchanan President—Military preparation—Judge Dick—Assembly of 1856—W. M. Avery and J. G. Sheppard Speakers—Judge Settle, Colonel Jenkins, John Pool and Dr. Dillard members of Assembly—Rev. Drs. Skinner, Pritchard and Mitchell—Great snow storm—J. T. Granberry and L. J. Johnson—Judge Smith defeats Dr. Shaw—Other members of Congress—Deaths of Judge Settle, Mr. Dobbin and Dr. Mitchell.

Franklin Pierce of New Hampshire, was sworn in, as the fourteenth President of the United States, on the 4th of March, 1853. As he surveyed the sea of upturned faces and realized the majesty of the position, he was saddened by the memory of a great and

irreparable loss he had sustained. He was the Chief-Magistrate of a mighty nation; myriads were there to do him honor, but as he stood upon the east portico of the Capitol to make his inaugural address, he was still haunted by visions of the beautiful boy in whom he had lately lost his only child. In no other nation could such a spectacle have been oft repeated. Millard Filmore was there as the representative of the Whig party, which had been, up to that hour, in possession of the Federal executive offices of the nation. In all peace and compliance with the declared will of the people, the late rulers laid down the insignia of their authority and submitted to hopeless overthrow. Tumults and bloodshed are generally the consequences of changes in either policy or dynasties; in America it was then the fashion for the parties to submit in good grace to the ever-varying vicissitudes of time and fortune. The Democrats were in overwhelming ascendancy in all branches of the general government. It seemed as though sectionalism was doomed in the nation, but in the plenitude of its power, the dominant party was soon to confront foes potent for all evil, in their disregard of national compacts.*

General Pierce appointed James C. Dobbin of North Carolina, Secretary of the Navy. This able and polished man had won the respect of all parties in his own State, and was to become famous as a Cabinet minister. At no time of peace has the American Navy won more renown for its efficiency. Under Mr. Dobbin's directions, the steam frigate *Niagara* and its five noble consorts were added to our fleets, and subsequently received the admiration and applause of civilized nations. He had been remarkable for his tact and eloquence as an advocate and parliamentarian; he was as successful in executive functions. Not one of the many distinguished men who have presided in the Naval Department, possessed more patience, purity or correct apprehension of the duties incident to the position.†

The Democrats had a majority in the Legislature, but through mismanagement failed to elect a successor to Judge Mangum, in

*Holmes, page 257.

†Valentine's Diary.

the United States Senate. Romulus M. Saunders, as usual, was a candidate for this position, but, again failing in his aspirations, accepted an inferior place as a Judge of the Superior Courts. He was one of our leading men, but insatiable in his thirst for office. He was equally profound and adroit as a lawyer, greatly respected as a Judge, and unsurpassed as a stump orator. His four years of acquaintance with the formal etiquette of the Spanish Court had failed to remove his native and inherent roughness of manner, but such defects could only dim the lustre of his great and acknowledged abilities.*

Matt. W. Ransom, then of Warren, was elected Attorney-General of the State. General Ransom, since so variously and highly distinguished, was a brilliant young lawyer, and had given many tokens of his subsequent fame. He was a model of elegance and courtesy, and, to a most engaging exterior, added a resistless charm of manner and address. He had graduated at the University of North Carolina in 1847, and divided the honors of his class with the late General J. Johnson Pettigrew. In scholarship, taste and culture, he has had no superior in the annals of the State, while as an advocate, he was eloquent, powerful and a consummate master of the effective weapons found in raillery and invective. Like Athenian Cimon, who was equally victorious on sea and land, General Ransom has shone in such various fields of action, that it is difficult to determine his merit in any one. He is yet in his prime, and deserves the honor and confidence still so abundantly lavished upon him by the people of North Carolina.

Death again found a shining mark, at Edenton, on April 13th, 1853, in the person of ex-Governor Iredell.† The famous English poet and statesman, Edmund Waller, in his old age purchased a small property near his birth-place, saying "He would be glad to die like the stag, where he was roused." If such was not the wish, it was certainly the fate of this distinguished

*Colonel J. H. Wheeler's Diary.

†Valentine.

man, who was, perhaps, more highly endowed than any yet born in the Albemarle region. His illustrious and patriotic relatives had left him a rich dowery in the memory of their services. Since 1813, the period of his entrance upon public life, he had filled many great positions in the public service. For three years succeeding 1816, he was Speaker of the House of Commons. In 1827 he was elected Governor of North Carolina, and a year later succeeded Nathaniel Macon as United States Senator. In that august body he won renown, and it is asserted that he was selected by the Southern Senators, as their champion in the famous debate between Webster and Hayne. An accident was said to have given the brilliant South Carolinian the opportunity he so nobly redeemed.

Edenton, the birth-place and former residence of Governor Iredell, was still famous for the elegance and hospitality of its society. The Iredells had removed to Raleigh, but the Johnstons, Collinses, Skinners, Moores, Norcums, Badhams, Benburys, Learys, Warrens, Pages and others, still made it one of the most attractive villages of the nation. Dr. Samuel Iredell Johnston, was still, as he had been for many years, the beloved and revered rector of old St. Paul's Episcopal Church. In learning, purity, and faithfulness to his parochial duties, this excellent man became a model to all his cloth. He inherited all the gentleness and modesty of his grandfather, Godwin Cotton, and was, perhaps, one of the most guileless and inoffensive of men. He married Margaret, the daughter of George Burgwynn, by whom he reared a large family; and died just after the close of the late war between the States.

The first Dr. Norcum had conferred honor upon the name, by his skill as a physician. He had left several sons, who were adepts in the same profession, the youngest of whom, Dr. W. A. B. Norcum, still continues to uphold the reputation of the family, as a leader of his abstruse and important vocation. Captain Josiah Collins, who was the Rudolph of his race, after a life of the utmost usefulness, had left a son of the same name, who married Miss Daves of New-Bern, and had two sons and

several accomplished daughters. Josiah Collins of Lake Phelps, was a man of large culture and influence in Washington county. His brother, Hugh Williamson Collins, was a member of the Bar, and was much respected for his abilities and qualities as a man. Colonel R. T. Paine, R. R. Heath, E. C. Hines, J. C. Badham and William A. Moore, were the resident lawyers. Mr. Hines was the son of Richard Hines, who represented the New-Bern District in the United States Congress in 1825. This amiable and gifted man, who shortly thereafter married Margaret Norfleet of Bertie, who was deserving of his charming consort, and the unbounded respect and confidence of all who knew him. Judge William A. Moore had won high distinction at Chapel Hill, where he had stood at the head of his class. His native ability and habits of diligence did not fail him in his profession, for he was, by common consent, unsurpassed by any of his judicial brethren in the scope and precision of his legal knowledge. Judge Moore has never married, and lavishes upon his mother and her interesting family the affection they so well know how to appreciate.

In the county of Perquimans, Jonathan W. Albertson and John P. Jordan shared with Thomas F. Jones the honors of the legal profession. Judge Albertson was giving earnest of the strength and acquirements so conspicuous in our midst in later years. In his stern morality, amiable bearing and force as an advocate, were laid the foundations of his popularity and success as a Judge of our Superior Courts.

In Pasquotank, the Bar was represented, in addition to Judge Brooks, by J. B. C. Eringhaus, William F. Martin and John Poole. Colonel Martin was, perhaps, more universally beloved than any lawyer ever resident in the Eastern Judicial District. His blameless life and bearing, conjoined to high intelligence and impassioned oratory, made the people equally his friends and admirers. He was alike the ornament of the Church, society and the Bar. Senator Poole soon embarked on the stormy and thankless life of a politician. His large abilities and skill as a dialectician soon gave him prominence in the courts, and, but for

his political proclivities, might well have culminated in the highest rewards known to the profession.

The Convention of the Whig party, for the First District of North Carolina, met in Edenton, May 1st, 1853, and re-nominated Colonel David Outlaw for Congress.* His political friends had persuaded him to abandon his opposition to General Scott in the Presidential canvass, but this ended in his defeat. The Democrats brought out as his opponent, the gallant and gifted Henry M. Shaw of Currituck. North Carolina never produced a nobler or more chivalrous spirit than animated Colonel Shaw. His father was a Northern man, and was at one time a resident of Murfreesboro; and it has been asserted that his son was born in that village. But this is probably a mistake. Colonel Shaw had been educated as a physician, and his political experience was limited to the session of the Legislature in 1852-'53, when he was Senator from Currituck and Camden. In his encounter with General John Gray Bynum, and on other occasions, he had exhibited a combination of courage, tact, eloquence and ability, which marked him for speedy promotion. He was a natural orator and soon became one of the finest political speakers of the State. Under the recent apportionment the State had lost one of its nine representatives. Northampton and Halifax had been added to the First District, and high hopes animated the Democrats in their efforts to carry a constituency which had been, with one exception, uniform in its Whig majorities.

The result this year, as often before, was indexed by the contest between two counties. Currituck was the Gibraltar of Democracy, and Camden of opposition. It had long been remarked that the candidate who came across the float bridge (near Camden Court House) with a majority, was sure to be elected. This was the case in 1853. Shaw was successful, and henceforward, through Colonel Outlaw, was a frequent and distinguished member of the State Legislature, though he was never again in the national councils.†

*Valentine.

†Dr. Wheeler's Diary.

About the period now reached in these annals, the port of Beaufort was attracting much attention in North Carolina. Many Eastern citizens visited, on an excursion, this expected sea-side depot of maritime trade. The railroad, traversing a greater portion of the State, then recently finished, had its eastern terminus near that place. Governor Morehead, and many others, imagined that a great city, with proper encouragement, could be built up there. Old Topsail Inlet is by far the best harbor upon the coast of North Carolina. The water on the bar is deeper and the anchorage safer than anywhere else in our borders. But as there is no royal road to learning, so too the marts of trade are the legitimate fruits of established traffic and are not generally to be created by either legislation, or the efforts of a single corporation. To this day the village of Beaufort is principally known as a sea-side watering place. Nag's Head was then more popular for such purposes, and the people in the Albemarle region were accustomed, in large numbers, to go there for amusement and health. The ocean air and historic memories, combined with the delights of cultivated society, even yet make it a charming resort.*

Upon Ballast Point, in full view of Nag's Head, Philip Amidas and Arthur Barlow landed, the 4th of July, 1587. This date corresponds, in the new style of computing time, to the 16th day of the month. Nag's Head Inlet was then open, and for more than a century afterwards, allowed the passage of vessels drawing four fathoms of water. The discoverers passed into the Albemarle Sound through this opening and established a contiguous settlement at Roanoke Island. It is hard to estimate the damage inflicted upon the Albemarle region by the closing of this ancient gateway. Not only has it crippled the shipping, but an incredible falling off has been witnessed in the former supplies of shad and herring annually visiting the fresh waters of Eastern Carolina. A century ago countless swarms of these delicious fishes came with each spring and filled the sounds,

*Valentine.

rivers and creeks. A great and remunerative business grew up in the capture and sale of fish. Such was the abundance of the supply, that a cheap food was afforded to many thousands of people. The seines continually expanded in size until many of them were more than two thousand yards long, and required fifty laborers and eight horses in their handling. Hundreds of thousands of herring were sometimes taken at a single haul. Shad never in such quantities. Sea-bass or rock were next in importance and were sometimes captured in immense schools. Captain William T. Sutton at Walnut Point, in Bertie county, in 1848, took thirty thousand at a single haul, many of which weighed sixty pounds apiece. Cullen Capeheart, Josiah Holley, Dr. A. W. Mebane and Augustus Holley, in Bertie, were the leading fishermen on the Chowan River. While the Wynns' fishery at Petty Shore, and William P. Bynum's at Mt. Gallant, were the chief ones of Hertford. All along the Albemarle Sound and other fresh waters, were countless seines and nets, and great quantities of fish were taken and salted down for home consumption and exportation to the seaboard cities.

The February Terms of the County Courts of Albemarle, were known as "Fishermen's Court," from the fact that free negroes were always on hand in great force to be hired for the seines. As a general rule, slave owners would not hire their servants on beaches, because of the danger and unwholesomeness of the business, though a dollar a day was the usual price of labor at such places. Guardians and administrators in hiring out slaves for the year, uniformly required a special covenant that such laborers should not be used either on seine beaches or in getting staves or shingles. Whatever may be said of the apparent harshness of slavery, the negroes, at least, were well guarded by their masters against anything calculated to injure health and usefulness.

The Chowan Association met on the third Thursday in May, with the venerable mother of churches, Meherrin.* Amid the great concourse was seen for the first time in the East, a young

*Chowan Minutes.

man since grown famous in the State, and especially dear to the hearts of the Baptist people. Rev. W. M. Wingate preached a most characteristic and edifying introductory sermon to the body. Dr. Wingate was at that time a Professor, but soon became President of Wake Forest College, to which institution he has been as great a benefactor as Dr. Caldwell to the University, or Dr. McDowell to the Chowan Institute. Dr. Wingate, like Dr. McDowell, had been reared in South Carolina, but has devoted his entire manhood to a noble and successful career in our own State. Rev. Dr. White, then President of Wake Forest, was likewise in attendance, and conspicuous as a participant in the debates. He did not equal his predecessor, Dr. Hooper, or his successor, in the measure of his literary and intellectual qualities, and was but for a brief period in the supervision of the College. Rev. William Hill Jordan was also there, and the central figure of all the able and eloquent men in that vast assemblage. Mr. Jordan was raised in Bertie county and is the half-brother of Rev. A. W. Poindexter, who, like him, early left that venerable county and became celebrated as a divine in the State of Virginia.

The Protestant Episcopal Church in North Carolina had just recovered from a great trouble in its history. Dr. Ives, after many years service as Bishop of the Diocese, had shocked the good people of his See, by open apostasy to the Church of Rome. Judge George E. Badger, both by public disquisitions and the exertion of his great influence as a layman, had been resisting what was regarded as the extreme Puseyism of the recusant Bishop. The great lawyer and statesman at length convinced Bishop Ives that his efforts to Romanize his Church in North Carolina were fruitless, and he went to Italy, where he declared his open adhesion to the "successor of St. Peter." This able and eloquent prelate was a Northern man by birth, and had been educated in the Military Academy at West Point. In the Episcopal Convention which met in Raleigh, Rev. Dr. Atkinson of Grace Church, Baltimore, was elected to fill the vacant See. This pious and devoted man has made ample amends for the defection of his predecessor. Not even Bishop Ravenscroft was dearer to

the hearts of men of all churches in North Carolina. In his annual visitations, Bishop Atkinson is not only welcomed and listened to by the communicants of his own Church, but in his learning, rare eloquence and apostolic zeal, all are equally delighted.

Rev. Dr. Richard S. Mason had been for years, the Rector of Christ Church in Raleigh. He was widely revered for the benignity and purity of his life and for his learning. Like Rev. Dr. F. M. Hubbard, then Professor of Latin at Chapel Hill, though not a native of North Carolina, he was an honor to the State of his adoption and the church he so faithfully served.

In the August elections for 1853, in addition to Henry M. Shaw, there were several changes in the North Carolina Congressional Delegation. Thomas Ruffin defeated Edward Stanly in the New-Bern District. Colonel Ruffin, subsequently a gallant soldier, who sealed his faith with his blood, was born in Franklin county and then resided in Goldsboro. He was no brilliant rhetorician, but remarkable for his unassuming good sense, and was faithful unto death in his adhesion to his friends and principles. He never married, and when, like his chivalrous colleague, Colonel Shaw, he died, sword in hand, at the head of his regiment, there were many hearts that sank low at the sad intelligence. Abraham W. Venable had been defeated by Sion H. Rogers of the Raleigh District. Colonel Rogers, likewise distinguished as a soldier, was, in many respects, the counterpart of Colonel Thomas Ruffin. They were alike remarkable for good sense, modesty and decorum, and were beloved as widely as they were known. The new member for the Metropolitan District had recently married one of the most lovely and brilliant of the many beautiful maidens then to be found in Raleigh. She was Jane, the third daughter of ex-Senator W. H. Haywood. James T. Morehead was replaced in the Greensboro District by John Kerr of Caswell. R. C. Puryear, a new man for the adjoining District, like Kerr and Rogers, was a redoubtable Whig, and a personification of what is peculiar and best in the character

of a North Carolina gentleman of the old school. Like his friend Nicholas Williams, he was famous as a maker of the finest whisky, and was greatly admired and beloved in his section of the State. In the Salisbury District, General Alfred Dockery was succeeded by Burton Craige, who had been prominent as a lawyer and was in every way worthy of the admiration and support of his constituents. General Thomas L. Clingman was still unshaken in his mountain fastnesses. No one, perhaps, with the exception of Governor Vance, has ever exceeded him in the popularity he there so long enjoyed and so abundantly justified. He was one of the leaders of the House of Representatives, and was known and respected throughout the nation. General Clingman's political fortunes, like the land he so faithfully served in council and on the field, were wrecked in the late war, but his fame belongs to history.

In the course of the year, public attention was called to a publication entitled "My Log Cabin in the Prairie." It recalled the memory of a remarkable man. Joseph Seawell Jones, after years of obscurity and partial oblivion, reminded mankind that he was yet in the land of the living. His work in defense of North Carolina, and his brilliant social gifts made him conspicuous, not only in our own State, but in many of the Northern cities. He was a man of ability, but full of oddities and whims.*

Peruvian Guano had been introduced into the United States, and seemed almost miraculous in its effects upon the worn-out fields. Southern men were fast giving up their prejudices against what they denounced as "book-farming," and a growing interest was manifested for further information as to fertilizers. The compost heaps which have made Edgecombe so famous and prosperous, were then almost unknown. Like the Indian, who cuts down the tree to get the fruit, our farmers had limited their operations to clearing fresh fields when the old ones were exhausted. When this process grew impossible, through the want of land,

*Valentine.

men had generally emigrated to the South or West, and thus the slow work of destruction proceeded. The agricultural societies were the fore-runners of the "Granges," so wide-spread and effective at the present day.*

The autumn of 1853 was further signalized by the appearance of a new party on the political horizon. The October elections in Massachusetts revealed the startling fact that the Whigs of that State, previously so predominant in all contests, had succumbed to a secret, oath-bound brotherhood, who were called the "Know Nothings." This new organization was destined soon to become formidable throughout the length and breadth of the nation. It ignored every tenet and aim previously dividing the great political bodies, and circumscribed its faith to two dogmas. They asserted that no Roman Catholic was fit for office, and that all men of foreign birth should reside in the United States for the period of twenty-one years before they should be entitled to naturalization and the rights of full citizenship. This deplorable and uncalled for movement was wholly in opposition to the traditions of American civilization, and soon received the righteous condemnation of the people. It is the peculiar glory of Americans that they, first of all the earth, asserted the right of every one to worship God according to the dictates of his own conscience. They had demonstrated the folly and injustice of all religious tests of office, and the short-lived prevalence of the Know Nothings was but the temporary insanity of a noble and magnanimous people who were too wise to disregard the teachings of their forefathers. The Native Americans of 1840 had drenched the streets of Philadelphia with foreign blood; the Catholic churches had been burned, and throughout the North, in misguided bigotry, the nunneries and convents had been made the objects of violence on the part of brutal mobs. This unfortunate and disastrous spirit was rekindled, and soon culminated in rioting and murder in Baltimore, Louisville and other places.†

*Valentine.

†Wise's speeches in 1854.

The year of our Lord 1854 opened with rumors of impending war between Russia on the one part, and Turkey, assisted by England and France, on the other. The bloody work in Europe was to prove of great benefit to America in the enhancement of the prices of breadstuffs and naval stores. Wheat growers realized upwards of two dollars a bushel for that cereal, while tar was abundantly manufactured and sold in North Carolina at a much higher figure. In this state of affairs, negro men at the public hirings brought one hundred dollars apiece for the year, in addition to their food and clothing; which was a large advance upon prices known before.

The Whig party of North Carolina, yet unadulterated by any tincture of Know-Nothingism, met early in Raleigh and set the battle in array for another contest for supremacy in the State. General Alfred Dockery of Richmond, late a member of Congress, was selected as their candidate for Governor. He was a man of fine native ability and had risen to wealth and consideration by his own strength of purpose and sleepless prudence. His early education had been defective, and he lacked the discipline and training begotten by application to one of the learned professions, but with all these disadvantages he was a formidable antagonist in political debate. He was the Moderator of the Baptist Association where he lived, and was ever a favorite with that denomination so numerous in North Carolina. General Dockery was that year to meet a foeman in the political field, who was as largely endowed by nature, and who in all his life, was never known to slight an opportunity for improvement. Thomas Bragg of Northampton county, perhaps the greatest jury lawyer ever known in the State, was selected by the Democrats to succeed Governor Reid. He was the son of a worthy man of the same name. By industry and application to his business as a house-builder, the elder Thomas Bragg accumulated enough of this world's goods to afford him a competence in his old age, and to give education to three of his six sons; all of whom became famous and successful men. John Bragg was educated at Chapel Hill, but after making his mark as a lawyer and member of the

Legislature in this State, he removed to Alabama and became a Judge and a distinguished member of Congress, from the Mobile District. Braxton Bragg was educated at the United States Military Academy. During the Mexican war he arose to be Captain of Artillery, and as such, won immortal honor by restoring the field after it was lost at Buena Vista. Governor Bragg's literary training was at the famous military school of Captain Partridge in Connecticut; where Michael Hoke and other distinguished North Carolinians were educated. He did not possess much imagination, and was remarkable rather for his knowledge and dexterity in debate than for eloquence. Yet while he seemed to disdain the mere flowers of rhetoric, no speaker was ever listened to with more undivided attention. His fine presence and consummate poise were powerful adjuncts to a luminous and earnest expression of his views on the subjects of his discourse. He was for many years a leading member of the Eastern Bar, and upon his removal to Raleigh, as Chief-Magistrate of the State, he had the admiration and best wishes of the people of all parties. No Governor, in our history, has been more utterly beyond reproach in his great office.*

The Spring Terms of the Albemarle Superior Courts in 1854, were held by Judge John Lancaster Bailey. His gentleness and purity endeared him to the Bar, while his intelligence, integrity and learning gave assurance that justice should be meted out in his rulings. His early life had been spent in Pasquotank, and he several times represented that constituency in the General Assembly. His wife was Miss Brownrigg, and belonged to a family of wealth and distinction, seated at Wingfield, two miles above Bandon, on the Chowan River. Judge Bailey was succeeded, in the fall, by Samuel J. Person of New Hanover. Judge Person had been lately elected to a seat on the Superior Court bench. He was a young man, but gave abundant satisfaction in his evident knowledge and ability. He married Ellen Tyler, a kinswoman of President Tyler. Judge Person was

*Personal Recollections.

learned and upright in his judicial functions. He was a "States Rights" Democrat, and destined to prominence in the future legislation of the State.*

General Pierce, as President of the United States, had overwhelming support in the two Houses of Congress. After the deaths of the great trio in the United States Senate, Judge Douglas of Illinois, was the most conspicuous member. He was a great debater, and a still greater political schemer. He could never let well enough alone, but was in perpetual efforts to aggrandize himself and the Democratic party. He was not content with their great majorities in both Houses of Congress, but in his restless and over-reaching desire for the Presidency, as Chairman of the Senate Committee on Territories, he reported his famous amendment of the Kansas-Nebraska Bill. This memorable subject of strife between the Northern and Southern sections of the country, was destined to be as fatal to us, as the Grecian horse was to ancient Troy. It simply averred that, under the legislation of 1850, the Missouri Compromise had been superceded. Yet this declaration fired the heart of the North with an indignation far surpassing that which followed the enactment of the Fugitive Slave Law. Because Congress had declared that the people of the Territories should settle for themselves the question as to whether they should own slaves, the States north of Mason & Dixon's line rose in their frenzy and formed the Republican party. The Know Nothings embraced two articles in their creed; the Republicans but one. Their sole object and aim were declared to be the prevention of the further spread of slavery, and so, in the providence of God, a great and naked issue was at length made up for trial between the two sections of a once united and happy people.†

A vast majority of the Northern people were settled in their determination against the further spread of slavery. On August 12th, 1846, David Wilmot of Pennsylvania, first introduced his famous proviso into the House of Representatives, then

*Valentine.

†Journals.

in Committee of Whole on the state of the Union. It provided that in all future acquisitions of territory, slavery should be absolutely forbidden. It passed the House by a majority of eighty-seven to sixty-four. Mr. Wilmot repeatedly renewed his proposition during subsequent years with a similar result. It failed to become the law of the land, for want of concurrence in the Senate. The favorite scheme of Northern statesmen was to circumscribe slavery to the limits of the States where it then existed, as they declared, for the purpose of making it unprofitable, and in this way securing its ultimate extinction. Southern men were alarmed and exasperated by such a policy.* As a refuge from what they considered approaching injury and dishonor, they caught at the bait tendered them by Judge Douglas of Illinois. They did not foresee that, like Dead Sea fruit, it was to turn to ashes in their grasp. It sounded like equity when the proposition was made, that the Territories, in forming their Constitutions for admission as States into the Union, should have the power to settle this vexed question as to their own institutions, but, like a juggling fiend, the wily Illinoisian was to overreach them in his subsequent doctrine of "Squatter Sovereignty." Two years later, as an index to the intentions of the Nebraska Bill in the Democratic Cincinnati platform, it was resolved: "That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a Constitution, with or without slavery, and be admitted into the Union upon terms of perfect equality with the other States."

North Carolina had but one Senator at this time, but Judge Badger gave his sanction to the Nebraska Bill, and was one of its most able and eloquent defenders. Messrs. Rogers and Puryear, in the House of Representatives, opposed it. No single act of legislation ever created such an uproar in the land, and perhaps, none other was ever more gratuitous or more fallacious in

*Clingman's Speeches.

its fruits. Three thousand Northern clergymen protested against it as a sin and outrage, but all to no purpose. The "Little Giant" rode his hobby until it assumed the dignity of a law, and six years later elected Abraham Lincoln President of the United States.

The Legislature met in November, and elected Warren Winslow of Cumberland, President of the Senate.* He graduated in 1827, at Chapel Hill; had won position as a lawyer, and had been for one term a member of the Congress of the United States. He became Governor, *ex-officio*, upon the resignation of Governor Reid, who retired from the Chief-Magistracy one month before the installation of Thomas Bragg. Governor Winslow was of diminutive stature, but mentally, was a man of mark. He was the associate of James C. Dobbin, Judge Strange and Judge Jesse G. Sheppard, who at that time gave celebrity to the Fayetteville Bar. The eloquent Duncan K. McRae was then United States Consul to France. On February 19th, Judge Strange departed this life. He was a man of culture and genius,

NOTE.—The village of Murfreesboro had been blessed with several newspapers in its history, the earliest of which was called the *Hornets' Nest*, and was established in 1812. In the spring of 1854, two young men, John B. Drinkard and Canozio Fraetas, who had been printers in Petersburg, Virginia, came to Hertford county and established the *Murfreesboro Gazette*.† At the outset it avowed its neutrality in politics, but soon became outspoken in its support of the Know Nothing heresy. The doctrines of this political sect had, by this time, reached that vicinity, and the new party embraced among its members almost the whole force of the Whigs. Some unwary Democrats, moved by their protestant zeal, were sworn in as members, but seeing the political complexion of their new allies, they beat a speedy retreat, and trouble and scandal were the consequences. Alfred W. Darden of Elm Grove, by placard, publicly announced that he had sundered all connection with men whose councils were held in the darkness and secrecy of night. A committee, consisting of John A. Anderson, Richard G. Cowper and others, acting in behalf of the Winton Know Nothing conclave, published resolutions of that body touching the conduct of Mr. Darden, which he deemed libelous and damaging to his character as a man. A law suit was the consequence. Mr. Darden brought

*North Carolina Manual, page 105.

†Valentine.

and dying, bequeathed his fame and best qualities to that son who bore his name and emulated his virtues.

The Democrats had carried the State by a large majority, and another of that party, Samuel P. Hill of Caswell, was elected Speaker of the House. He was a young man of remarkable courtliness and address, and in that body saw, for the first time, several new members who were to make their mark in the history of the State. Buncombe rejoiced in the services of Zebulon B. Vance, a young mountain lawyer then fresh from Chapel Hill. Mr. Vance had been born and reared in the same scenes which witnessed the early years of Governor David L. Swain. Those mountain fastnesses surrounding Asheville have been prolific in the production of able men, but have never exceeded the usefulness attained in the person of him who so ably guided the fortunes of North Carolina in the recent war. Governor Vance is grandson of that Zebulon Baird who was for so long a time the representative of Buncombe in the Legislature, in the earlier years of the present century. He was nephew of Dr. R. B. Vance, who was a member of Congress in 1823, and was killed

suit for libel against the signers of the obnoxious publication. The action, upon affidavit setting forth the great influence of the defendants in Hertford county, was removed to Washington. Judge Heath, P. H. Winston, Colonel Outlaw and John P. Jordan appeared for the plaintiff, while W. N. H. Smith, D. A. Barnes, H. A. Gilliam and T. M. Garrett represented the defendants. Upon trial before Judge Caldwell, the jury brought in a verdict for a small amount of damages in favor of Mr. Darden, and thus ended the famous "Know Nothing suit."

Thomas Miles Garrett was raised near Colerain in Bertie county. He was prepared for college at Buckhorn Academy, by John Kimberly, and graduated at Chapel Hill in the class of 1851. He was a man of fine intelligence, great diligence in his profession, and was fast rising to fame as a lawyer, in spite of poverty and an unfortunate manner and address. His courage and capacity were just lifting him to renown, when he was slain, as Colonel, at the head of his regiment amid the horrors of the great battle of the Wilderness. He had remarked in the morning, in prospect of the engagement, that he would that day win a General's wreath or lose his life. When the sun arose again Thomas M. Garrett was no more, but his prediction was fulfilled in both respects. His great commander opened a dispatch from Richmond, which had made the gallant dead a brigadier, but alas! it came too late.

in a duel by his successor, Samuel P. Carson. He was succeeding to the popularity which had been General Clingman's, and was fast becoming the most consummate popular orator at any time seen in our history. In wit, humor and the highest attributes of eloquence, he seems inexhaustibly provided, while in the qualities which lead to popularity he is as richly endowed. Richard Caswell and William A. Graham were no more beloved than Z. B. Vance. David Coleman from the same county, with Giles Mebane of Alamance, Josiah Turner of Orange, and Jesse G. Sheppard of Cumberland, were all destined to prominence.*

Colonel Coleman had won position at the Asheville bar. Giles Mebane, in his intelligence and integrity, was worthy of the distinguished family whose name he bore; while Jesse G. Sheppard, like his friend Dobbin, after a brief and brilliant experience, was to be cut down on the threshold of his usefulness. Josiah Turner was giving abundant tokens both of his strength and eccentricities. He was full of the drollest humor, but obstinate and impracticable to an astonishing degree, wherever conciliation of his political opponents was desirable. He, and Joseph B. Cherry of Bertie, gave some alarming specimens of their obstinacy during this very session in their struggles with the Democrats over such petty issues as the election of a few Justices of the Peace.* The Legislature of 1852, having failed to elect a successor to Judge Mangum in the United States Senate, the General Assembly of this year was called upon to fill that vacancy and the place of Judge Badger at the same time. Asa Biggs of Martin, and David S. Reid of Rockingham, were chosen as the State's delegates in that august assemblage representing the sovereignty of the several Commonwealths constituting the Federal Union.

About the time now under consideration, a strange delusion reached some of the people, which had its origin a short time previous somewhere in New York. A family, Fox by name, pretended that they could hold intercourse with the dead by rappings

*Journals.

upon the floor and elsewhere. It was of frequent occurrence that gatherings of intelligent people would be seen seated around a table and waiting with strict attention for some marvelous manifestation in the lifeless wood. In a vast majority of cases this ridiculous occupation was mere pastime. In rare instances however, there were some weak enough to turn from the Christian faith of their forefathers and find their new oracles in such unpromising receptacles as the legs of a table. This was in truth "theology gone mad," and only proves a native and inherent disposition in the human mind to the lowest and most absurd superstitions. North Carolina has ever been an unfruitful nursery in heretical delusions, and spiritual rappings soon died the death of neglect and contempt which the whole subject so richly deserved.*

The humanity and advancement of our people were manifested in many ways. Missions for the spread of the Christian religion were created and upheld, not only in our State, but in various heathen lands. Dr. Mathew T. Yates had been sent out by the North Carolina Baptist Convention, and was engaged upon the work at which he still labors at Shanghai in China. Other denominations were also nobly striving to advance the same great cause. The intolerance and assumptions of the Northern Pharisees had divided the Methodist and Baptist Churches into fragments, coinciding in their boundaries with Mason & Dixon's line. The slavery issue not only brought hatred and contention to the councils of statesmen, but poisoned the minds and divided the pathway of men who professed to be in search of the straightest road to heaven. Alas! for the weakness and infirmity of men in their best estate. Charity and forbearance were wanting on one side, and short-sighted selfishness was cast in the other balance. The South hugged the ruinous and costly delusion, and their neighbors, in self-righteous indignation, never attempted to solve the problem of their destinies, but in power and craft slowly matured the plans which were to result in revolution and bloodshed.

*Valentine.

The earliest days of 1855 were still filled with notes of the great contest in the Crimea. England, France and Turkey, in vain emulation, struggled to surmount the defences of Sebastopol. The patient valor of the Russians and the engineering genius of Todleben, still held them at bay. In our own land the Know Nothings continued their victorious course and succeeded in electing a majority of the representatives in Congress. The tide rolled on, but was soon to receive a crushing check in Virginia. Henry A. Wise, in all his brilliant and erratic career, this year rendered his highest service. As the nominee of the Democrats for Governor of the Old Dominion, he overwhelmingly defeated T. Stanhope Fournoy, and, in effect, destroyed the short-lived and pernicious doctrines which had threatened to reverse the chief glories of American history.

In the Edenton District, upon the re-nomination of Dr. Henry M. Shaw, Colonel Robert Treat Paine of Chowan, was brought out by the opposition as his competitor. Colonel Paine lacked much of equalling his opponent in popular oratory. He did not possess more than ordinary intelligence, but had great reputation for personal bravery. This quality gave him the nomination, and in support of the expectations indulged in as to his course in the canvass, the relations of the candidates became bitter and unpleasant. Colonel Paine was elected, but served only one Congress, and speedily removed upon the expiration of his term to Texas. Much of the olden bitterness between the political parties was then observable in the country.*

With the waning of the year 1855, there were many things for which the people could have been even more grateful on thanksgiving day in November. A large degree of health and worldly prosperity was theirs. Our neighbors and friends of Norfolk, Virginia, had suffered a terrible visitation in an outbreak of yellow fever. This horrible disease, which had first visited the English speaking people of America, during the Indian war in North Carolina in 1712, repeated its destruction on the twin

*Valentine.

cities of the Old Dominion, and its victims were numbered by thousands.

Colonel John H. Wheeler, by appointment of President Pierce, was Minister Resident of the United States to Nicaragua. He had left Washington with his family, carrying with him a servant-woman and her two sons, who were his slaves, and whom he intended as domestics of his establishment in Central America. Upon reaching Philadelphia, the former residence of Mrs. Wheeler, a mob, headed by one Passmore Williamson, entered the ferry-boat, and, in spite of the entreaties of the slave woman and her boys, violently took them from Colonel Wheeler's possession.* The discomfited envoy had vainly supposed that the large and traditional privileges of his station would not only guarantee his rights in his own country, but render them inviolate even in foreign lands. How empty such a trust was, in the North, was evinced in the treatment of Judge Loring in Boston. He was an officer of the United States, fulfilled his duty in the case of Anthony Burns, and for so doing, was not only deprived of his professorship at Harvard, but was pursued by statute and penalty, as if he had been convicted of treason in behalf of some belligerent enemy. It was doubtless a mistake in policy and morals on the part of our rude forefathers when they purchased from the ancestors of these same New England people, the living cargoes of negroes, which, early in the eighteenth century, constituted a leading source of wealth to the colony of Massachusetts Bay. Human slavery is now, and has ever been, the most costly and unprofitable species of labor. It is rebuked in the spirit of the Christian religion. It was a travesty and refutation of the whole doctrine of civil and religious freedom, so nobly propounded and developed in the formation of the American government. Yet four thousand millions of dollars were invested in these same slaves. The Southern people saw not only poverty, but all the ills they have since undergone in the fact of accomplished emancipation. Great moneyed interests have ever

*Dr. Wheeler's Diary.

warped and controlled the judgment of men as to abstract rights. Is it strange, then, that North Carolinians were slow to perceive truths, which, once accepted, could but terminate in their beggary and ruin?

The new year dawned, in 1856, with prospects of speedy peace in Europe. The allies were soon to withdraw from the ruins of long-beleaguered Sebastopol; for Russia, in want of money, was compelled to close the war and submit to humiliating terms. In America, the Arcadian pictures drawn by Stephen A. Douglas in his speeches on the Nebraska bill, were being realized in different style out in Kansas. He had prophesied an era of innocent forbearance, while the people of the Territories, blest by his statesmanship, should peacefully solve the question of freedom or slavery in their limits. The famous bill became a law May 26th, 1855. It was the signal for the formation of emigrant aid societies throughout the North, and of countervailing movements in the South. Henry Ward Beecher, and other ministers of the Gospel, inflamed their countrymen with denunciations of the Missourians, whom they styled "Border Ruffians." These political priests made lavish presents of Sharpe's rifles, and admonished those sent out to make deadly use of them upon the competing Southerners. Under such training, Kansas became a "hell of dis-

NOTE.—An occurrence of the period, now under consideration, at one time promised a revival of that ancient commercial spirit once so marked in the habits of the Hertford people. Jesse A. Jackson, an adventurous and visionary man, who came to that region from New Jersey, after keeping a store for several years at Pine Tree, removed to Murfreesboro. He was the contractor for making the bricks used in the construction of the two female colleges, and had realized profit in the undertaking. With the help of Glines & Graham, a New York commission house, and the contributions of numerous citizens of the vicinity, a fund was raised to build a steamer, which was to become a regular packet between Murfreesboro and the great city on Manhattan Island. Thirty thousand dollars were consumed in the construction of the ship at Murfreesboro, and upon her engines, built at Wilmington, Delaware. This craft was of beautiful model and was destined to become famous. Glines & Graham failed in their business, and the North Carolina stockholders, fearful that their investments would end in loss, stopped their advancements. Poor Jesse Jackson got into a sea of troubles. Suits and demands thickened upon him. He

cord and bloodshed." Captain John Brown, who was at heart, perhaps, honest and sincere, became crazed by such teachings and the severity of his pro-slavery opponents, and came to think it a religious duty to shed the blood of all Southern people.

The American, or Know Nothing party, soon found its quietus. Its existence was as short as it was mischievous. Like some subtle fluid of the alchemist, it fused and combined the hitherto disorganized and abortive elements of opposition to the Democrats in the North.* The Thirty-fourth Congress had met the 1st Monday in December, 1855, and was still struggling to elect a Speaker, when a whole month of the next year had elapsed. By resolution of the House of Representatives, a presiding officer was at length obtained by a plurality vote. Nathaniel P. Banks of Massachusetts, was thus selected. He had commenced political life as a Free Soil Democrat, was elected as a Know Nothing, and had already become a declared Republican. General Banks still survives in our national councils, and has lost none of his chameleon-like qualities.

On June 10th, Thomas Bragg, then Governor of North Carolina, was a candidate for re-election.† His public addresses bore

was forced to see the Sheriff sell the object of all his hopes, and the "Southern Star" became the property of John W. Southall and one Captain Thomas Badger, who had recently escaped from the foundering steamship, which perished at sea with her gallant commander Captain Herndon. The new owners towed their purchase to Wilmington, where she received her engines and was fitted for the sea. She was soon sold to the United States Government and, being re-christened *Crusader*, became renowned in her brilliant success against the slave traders. Time and again she overhauled the swiftest keels engaged in that nefarious business, and nipped in the bud projects of our own infatuated people, some of whom, in the Gulf States, in defiance of law and humanity, had commenced the importation of the wretched Africans into our own country. Jesse Jackson never recovered from the blow received in his great disappointment. Fresh disasters came upon him, and, after years of unavailing struggle, at the end of the late war, he left our country to seek his bread in other quarters. He had not taken fortune at its flood, and in disaster, alas! found too few to do him reverence.‡

*Holmes, page 260.

†Dr. Wheeler's Diary.

the stamp of the same tireless diligence ever observable in his professional career. He was luminous and exhaustive on all subjects of public concern, and inexpressibly impressive in his action and tones. John A. Gilmer of Guilford, was his competitor. He was a leading lawyer of his section, and conspicuous both for mental power and social position. He rivaled James T. Morehead and J. Robert McLean, in the Greensboro Bar, and was a jovial, learned and astute man. He lacked breadth of vision as a politician, and was the most decided partisan of prominence then belonging to his party in North Carolina. It never entered his mind that the Democrats could be right in anything, and his whole life was spent in constant and unremitting opposition to their policy.

The Presidential contest of this year was full of mournful auguries for the future of the nation. James Buchanan of Pennsylvania, had long been illustrious by national services in both Houses of Congress, in the Cabinet and at foreign Courts. He was one of the few Northern statesmen who have ever understood and respected the Constitution of the United States. Neither sectional nor party advantage for a moment disturbed his adhesion to the great reserved rights of the States, left in their own keeping by the limited contract entered into by sovereign parties in 1787. He was a bachelor, but took into his heart the people and interests of the entire nation. If, in the storm which arose at the end of his administration, he stood, like blinded King Lear, not knowing where to turn, the fault was not his. Neither Madison nor Hamilton had seen or provided for the horrible result, born of frenzied aggression on one side, and desperate resistance on the other. Mr. Fillmore, in the march of the events, had lost his significance and opportunity. The only effect of his candidacy was to weaken the hands of men who had regard for legitimate government, and to increase the chances of bloody disunion, made imminent in case of the election of Colonel John Charles Fremont. This man, a Southerner by birth, had no recommendation except wild, Western adventures, military insubordination, and the fact that he was the husband of

Colonel Benton's daughter. The poor fabric of his reputation as a soldier, was to crumble at Stonewall Jackson's touch, and to vanish into thin air. God mercifully forbore the great struggle for four years longer, and, at Buchanan's election, a sigh of relief went up from millions of hearts.

In the grave and perilous exigency, so well known to be soon repeated, the Southern minds dwelt long and intently upon the realities of their position. They well understood that, in a short while, their institutions could only be upheld by means of the sword. Public attention was largely turned to the necessity of the martial training of our people, and military schools and numerous volunteer companies were resorted to, in view of the impending struggle. A host of Southern men, like Thomas Jefferson, disapproved of slavery, but when the question of the future status of four millions of slaves emancipated in their midst, occurred to their minds, they could neither see any avoidance of financial ruin to themselves, nor satisfactory prospects to the freedmen. Many a Christian deplored, as great evils, two features which brutalized the treatment of the blacks. They could neither contract lawful marriage, or be the recipients of the blessings of education. Incendiary documents rendered the one too dangerous, and heartless legal maxims stood in the way of the other. Any system upholding such plain contraventions of human rights was, of course, wrong, but in the heat of contention, justice and magnanimity to the slave was forgotten, in resentment at the clamorous interference of the Abolitionists. Alas, for the weakness and infirmity of human nature in its best estate! Southern men, like all others, were too much swayed by passion, prejudice and interest. The problem is now solved, and the long ordeal ended. The sins of the South were fearfully expiated, and, like Bacon with his memory, they can but bequeath their proper vindication to "foreign nations and the next ages."

There was a large Democratic majority in both Houses, when the General Assembly convened in November, 1856. The Senate selected William Waightstill Avery, the grandson of the first

Attorney-General of the State, as its President.* He had graduated at Chapel Hill, in the small class of 1837, at the same time with the eloquent and distinguished Perrin Busbee, then lately deceased. Mr. Avery was reared in and represented the county of Burke. He had married the daughter of Governor Morehead. He was a man of note in Western North Carolina, and had won prominence both as a politician and lawyer. In an unfortunate difficulty, he had slain Samuel Flemming of Yancey, and his life was made unhappy in its remembrance. He classed as a Democrat, and was lacking in the moderation and gentleness of his compeer, Mr. Speaker, Jesse G. Sheppard of Cumberland. This quiet and elegant gentleman, who was a model of forbearance and good nature, had received his diploma at the same institution, four years later than Mr. Avery. Professor James A. Delke of Murfreesboro was his classmate, as were also Governor Ellis, Colonel John F. Hoke, Montford McGehee, Dr. Charles and Samuel F. Phillips, Judge Thomas Ruffin, Jr., James F. Taylor and other distinguished men. Judge Sheppard, like his friend and neighbor James C. Dobbin, was to reach distinction only to be cut down in the meridian of his strength. There were many useful and able men who were in this Legislature, making their entrance upon public life. David Coleman and Marcus Erwin of Buncombe, were to fill distinguished places as lawyers in the West. Thomas Settle, Jr., of Rockingham, and William A. Jenkins of Warren, were also to gain high positions in the future. John Poole, the subtlest and most imperturbable of debaters, represented Pasquotank. Polished, genial and gifted, Dr. Richard Dillard, who had been, shortly before, a citizen of Hertford, was Senator from Chowan and Gates.†

The session of the Chowan Association, for the year 1856, was held with the venerable church known as Cashie, near Windsor, in Bertie county. Many eminent and godly men had been connected with Cashie in the past. George Outlaw, so prominent in

*North Carolina Manual, page 105.

†Journals.

State and Federal politics, held his membership here. Rev. Dr. Abram W. Poindexter, so revered in Virginia, and his half-brother, Rev. William Hill Jordan, scarcely his inferior, had commenced their long and fruitful ministry with this ancient seat of worship. Their cotemporary, Jonathan Tayloe, yet lingers upon the scene of his long pilgrimage, though he was old enough to be a soldier under Captain Gavin Hogg, when he and Captain James Iredell marched their companies to the defense of Norfolk, in 1812. Mr. Tayloe, then, as now, was the pattern and embodiment of a Christian gentleman. The first Jonathan Tayloe was a freeholder in Bertie, in 1711, and this excellent man is his lineal descendant. In this Association was seen Rev. Dr. Thomas H. Pritchard of Raleigh. He was born and raised in Mecklenburg, educated at Wake Forest, and was the agent of that institution at this time. He was then but a youth, but the unusual power and oratory of the stranger, at once marked him for great prominence and usefulness. A singular combination of eloquence, zeal and address, would long since have made him a metropolitan prelate, in any church recognizing such grades in the order of their priesthood. As it was, he was soon to become pastor of the Baptist Church in Raleigh, and perhaps the ablest divine of his denomination known in North Carolina. The venerable Charles W. Skinner, and his son, Rev. Dr. Thomas E. Skinner, after being the main instruments in the building of a church at Hertford, Perquimans county, with rare munificence, lavished their means upon the erection of another beautiful and costly one at the State Capital. They, too, were present at Cashie, and Dr. Skinner was conspicuous for his learning and eloquence in the debates. He had graduated at Chapel Hill in 1847, and was fast rising to the eminence which he has attained in North Carolina and other States.*

The new year (1857) commenced with weather of unparalleled severity. On January 18th occurred, perhaps, the greatest snow storm ever known in this region. For two whole days and

*Chowan Minutes.

nights the blinding flakes drifted incessantly from the darkened heavens. Fierce blasts of the North wind collected it in immense drifts. The thermometer sank to four degrees below zero, and for a whole week not a mail was received at the Post Office in Murfreesboro. The rivers, and Albemarle Sound, were so frozen that persons, without difficulty, passed on ice from Plymouth to Edenton.

There were but few changes in the North Carolina Congressional delegation. Sion H. Rogers was succeeded in the Raleigh District by L. O'B. Branch, and R. C. Puryear by A. M. Scales. In the Greensboro District, John A. Gilmer replaced John Kerr. It was understood that General Clingman had forborne further opposition to Mr. Buchanan's administration, and Mr. Gilmer was all alone in his glory as an opposition member from North Carolina.*

The proposition of change in the State Constitution, as to free suffrage in the election of Senators, was overwhelmingly ratified by the people. This subject had been agitating the State for eight years. It had largely contributed to breaking down the Whig ascendancy in our midst, but, with the added experience of twenty years, we may well doubt if the State was benefitted by the alteration. It was, at best, but bringing us a step nearer to anarchy, and, like too many other instances of American legislation, had its origin in a mere struggle for political power.

The people of all sections were saddened in the deaths of several of their most distinguished citizens. James C. Dobbin died August 4th, and was followed the next day by Judge Thomas Settle.† Mr. Dobbin, though a young man, had won national fame and consideration. Judge Settle was rich in both years and honors. He had reached the usual limit of human life, and there were many circumstances of consolation attendant upon his demise, but North Carolina was yet thrilled with the sadness of another death. On June 27th, amid the vast solitudes of the Black Mountains, Dr. Elisha Mitchell, a Professor at Chapel

*Journals.

†Valentine.

Hill, came to his end under circumstances of mournful interest. He was alone and engaged upon a survey of the mountains, when he accidentally fell from a precipice, and was, several days afterwards, found dead in a pool of water at its foot. This martyr to science was one of the bravest and best of men, and was, perhaps, more learned than any one else ever resident in North Carolina.

He lies buried upon the awful summit of the fatal crags from which he so sadly perished. His former pupil, Governor Vance, was active in the funeral honors paid his memory. The generous mountaineers, having recovered his body, it was thought best that it should rest upon heights whose fame he was seeking to blazon. A new county bears his name, and will convey to posterity the tale of his bravery and other virtues. He was born in Litchfield, in the State of Connecticut, but his manhood had all been given to North Carolina and the training of her youth.*

*Vance's Sketches.

CHAPTER V.

A. D. 1858 TO 1862.

The progress of the slavery trouble—Judge Ellis nominated for Governor—W. W. Holden—Colonel McRae—Death of Colonel Benton—Judge Shepard—Assembly of 1858—W. W. Avery and Thomas Settle Speakers—Messrs. Ransom, Batchelor, Jenkins and Worth—Military Schools—C. B. Denson, D. H. Hill and C. C. Tew—Douglas and the “Lecompton Constitution”—War in Italy—General Johnston and the Mormons—Messrs. Bragg and Clingman Senators of the United States—Judge Smith elected Speaker in Washington—John Brown and the Harper’s Ferry affair—Judge Ruffin resigns—Judges Manly, Heath, Osborne and Howard—Condition of affairs—Charleston Convention—The struggle of 1860—Issues before the people—*Ad valorem* in North Carolina—John Pool—Rupture at Baltimore—Course of the candidates for electors—Colonel Haywood and Dr. Speed—Death of Joseph Gales—Assembly of 1860—Colonel Clark and W. T. Dortch Speakers—Messrs. Merrimon and Eure—South Carolina secedes—Position of Mr. Buchanan—Mr. Lincoln declares for coercion—Commissioners Garrett and Smith of Alabama, and Thompson of Mississippi—Abortive call for a Convention—Provisional Government at Montgomery, Alabama—Jefferson Davis—Fall of Fort Sumter—Mr. Lincoln calls for troops from North Carolina—Governor Ellis’ reply—Convention meets, and North Carolina secedes—The call to arms—Colonel Hill goes with First Regiment to Yorktown—Battle of Bethel—Death of Governor Ellis—Colonel Clark succeeds—His staff—Posting of North Carolina troops—Manassas—Capture of Hatteras—Death of Judge Dick—Troops sent to Virginia—Fall of Roanoke Island—Affair at Winton—Effects in Eastern North Carolina—Capture of New-Bern and Fort Macon—General Joe Johnston abandons Manassas and Yorktown—Battle of Williamsburg—The Fifth Regiment—North Carolinians in important commands.

The year of our Lord 1858, came upon North Carolina enjoying the utmost peace and prosperity. James Buchanan, President of the United States, was doing everything in his power to arrest the growth of sectional animosities, and to restore that fraternal regard and forbearance which had once existed between the States. The decision of the United States Supreme Court, in the case of Dred Scott, was resented by the Republican party, as a fresh injury, and was a source of as much indignation as followed

the unfortunate assault of Preston S. Brooks upon Charles Sumner, in the Senate Chamber. The "American" party was dead beyond redemption, and in North Carolina the political elements in antagonism to the Democratic party abandoned all previous designations, and were simply styled by themselves and others, "The Opposition." Governor Bragg, after serving for four years, with the utmost acceptance, as Chief-Magistrate of the State, became constitutionally ineligible for further service, and the Democrats met in convention at Salisbury to select his successor. William W. Holden of Wake, had been for years the editor of the party organ known as the *North Carolina Standard*. He had been originally a Whig, but became an extreme "Democrat of the Calhoun School." After several years' service in the Legislature, he, and certain of his friends, thought that the nomination for Governor was due to him. The great body of the Democrats admitted his ability and service, but disliked his agrarianism and distrusted his good faith. Moved by these considerations, Judge John W. Ellis of Rowan, was the choice of the convention. He was not profound as a lawyer or very impressive as a statesman, but was an elegant gentleman, and thoroughly noble and loyal in his fealty to the State and people. Governor Bragg's twenty thousand majority over Mr. Gilmer led "The Opposition" to despair of the result in a fair fight on party issues. They sought to carry discord into the Democratic ranks by inducing Duncan K. McRae of Cumberland, to take the field as candidate for Governor. Mr. McRae had been educated at Williamsburg, Virginia, where he became involved in a difficulty which eventuated in a duel. He was a brilliant advocate and stump orator, but restless and uncertain as a partisan. In 1853 he had opposed William S. Ashe for Congress, in the Wilmington District, but gave up that contest to take the United States Consulship at Paris. Colonel McRae only differed with Judge Ellis as to the distribution of the proceeds of the public lands, and he was signally beaten at the August election.

On April 10th, Colonel Thomas Hart Benton, for so long United States Senator from Missouri, died at his home in Wash-

ington City.* He and another North Carolinian, Vice-President William R. King, served longer in the Senate than any two men in its history. Colonel Benton lost his influence in Missouri by his Free Soil tendencies, and his attempts to "bully" the government in defense of his son-in-law, Colonel John Charles Fremont. He was a man of great powers, and still greater egotism, and was remarkable for the fact that he was the only enemy who ever came in personal collision with Andrew Jackson, and yet suffered no detriment thereby. He had been for two terms previous to his death, a member of the national House of Representatives, but the day of his strength had gone forever, and he was but lagging on the stage, a superfluous and unhappy veteran, who was too old for battle and was yet not wise enough to quit the field. Nathaniel Macon remains the only man in American history, since the death of General Washington, who has ever had the magnanimity and wisdom to voluntarily withdraw from great public station, while still in the plenitude of his popularity.

At the Fall Term of the Eastern Courts, presided for the first time, Judge Jesse G. Sheppard. His kindness, learning and purity, rendered his judicial services highly acceptable, and the future seemed opening before him with unbounded promise.†

The Legislature convened in November; W. W. Avery of Burke became President of the Senate, and Thomas Settle of Rockingham, Speaker of the House.‡ The latter was the only

NOTE.—Elias C. Hines of Edenton, had succeeded Mr. Smith as Solicitor of this Judicial District, and was winning golden opinions of all by his ability as a prosecuting officer, and noble bearing as a man. Alas! he was marked for a victim in the great and fast coming holocaust of the war. Refusing all offers for military office, he went as a private in the First North Carolina Regiment, and, sickening at hard labor in the trenches at Yorktown, he returned home but to die in the fall of 1861. He was the soul of honor, truth and generosity, and, like his friends, Majors Trim Skinner, John C. Badham, Colonel James K. Marshall and Captain John A. Benbury, his death brought gloom to Edenton and all the Albemarle region.

*North Carolina Manual, page 10.

†Dr. Wheeler's Diary.

‡North Carolina Manual, pages 105 and 106.

son of that wise and good Judge, who died the year before. The second Judge Settle inherited his father's intelligence and comeliness as a man. He ranked as an extreme secessionist and was recognized as a young advocate and politician of unusual promise. General M. W. Ransom, then of Northampton, and Joseph B. Batchelor of Warren, both ex-Attorney-Generals of the State, were members of the Legislature for the first time. General Batchelor combined much legal ability and learning with a blameless and honored life, which is still full of triumphs at the bar. He was succeeded as Attorney-General, by the gifted and erratic William A. Jenkins likewise of Warren.* Plain Jonathan Worth of Randolph, in his unaffected simplicity and big store of worldly wisdom, was also beginning that political life, in which he was destined to find such strange and startling vicissitudes. Governor Worth did not belie his name, and upon his demise was to leave a gracious memory to after times.

At this period of our history, the portents for the future seemed hourly to grow more evil. Although the University and the sectarian colleges were giving abundant satisfaction as to literary culture, it was thought best, in view of the impending struggle, that martial training should be given our youth. Two military academies were chartered, and soon imposing structures were reared at Charlotte and Hillsboro. Major D. H. Hill, an ex-officer of the United States army, assumed control of the former, while C. C. Tew, a graduate of the Charleston Military School, was Superintendent of the latter.† Both of these institutions

†NOTE.—Captain C. B. Denson had, before the establishment of these military schools, inaugurated one in the Cape Fear country which had been largely attended and was of eminent usefulness. This cultivated and able man was to distinguish himself as an engineer in the Confederate service, and has since proved a public benefactor in his skillful management as Secretary of the State Agricultural Society. Captain Denson unites rare literary attainments to delightful amenities, and is as pleasant in social aspects as he is successful in official relations.

were filled with our youth. The Bingham School, which had been in existence since 1793, was still supreme in reputation, while those of Dr. Alexander Wilson, Mr. J. M. Lovejoy, Mr. Horner and others, were formidable competitors in the race for distinction.

As the year 1858 drew to its close, Judge Douglas and his Nebraska Bill seemed to have introduced a schism to prove fatal to the Democratic party. A pro-slavery constitution was formed at Lecompton, Kansas, November 9th, 1857, which received the support of the administration. Judge Douglas had been for more than a year in open opposition to the President and the bulk of his party. His whole energies were directed against a fair settlement of the slavery question in that Territory. He had outraged Northern sentiment by the repeal of the Missouri Compromise, and now, with his new doctrine of Squatter Sovereignty, he was showing the South what an utter cheat and delusion his whole management had been on the subject of slavery. Not even William H. Seward was such a thorn in the sides of General Pierce and Mr. Buchanan, as this able and ambitious man. Until his advent, there had been entire unanimity in all questions of national faith between the Democrats. In every single instance a majority of Congressmen belonging to the party at the North, had been found voting with their compatriots of the South, and in this way they had been resistless in furtherance of every feature of their distinctive policy. It is true that in levying the eighty millions of revenue by tariff, fifty millions of it were invariably realized from the South, while but thirty millions were expended in that section. Southern men submitted to this annual drain of twenty millions, and were content so long as their allies were loyal to the great party principles. Judge Douglas and his friends were soon to destroy all semblance of equality and mutual regard between the contending sections. He may have been patriotic—he was certainly, at best, a destroying angel.

The year 1859 was crowded with great events; it was full of blood abroad, and of direful auguries to the American people. In Europe, the usurping Emperor Louis Napoleon, at this New Year's reception, used language to the Austrian envoy which be-

tokened his hostile intentions. Soon came the news of gathering armies, and the plains of Lombardy, so often previously the theatre of great wars, were soon to be shaken with the thunder of contending hosts. At last fair Italy was to be redeemed from its ancient thralldom to the House of Hapsburg. American society was shocked at the tragedy enacted under the very shadow of the White House. Daniel E. Sickles, for a domestic injury, murdered Philip Barton Key, midst the quiet of a Sabbath morning, and found justification in his crime at the hands of an American jury.* “Bleeding Kansas” was still a plague spot in American politics, and from its accursed borders came daily tidings of blood and confusion. The gallant and ill-fated General Albert Sidney Johnson had reduced the Mormons to submission, but Colonel Sumner and his dragoons were powerless for peace in Kansas.†

Governor Bragg, upon the meeting of the Legislature, was elected to the United States Senate to succeed Governor David S. Reid. Senator Asa Biggs had previously resigned and succeeded Henry Potter as Judge of the United States District Court for North Carolina. Judge Potter had been on the bench since the death of Judge Sitgreaves, in 1801, and was ninety-six years old. Governor Bragg had appointed Thomas L. Clingman in place of Judge Biggs. Governor Ellis was doubly fortunate in his election, and marriage to the beautiful and accomplished Mary Daves of New-Bern. His first wife was the daughter of Philo White, United States Minister to Peru.

In the First District, Messrs. Shaw and Smith were again nominated, and after a thorough canvass, fate and the voters sending Mr. Smith ahead over the fatal float bridge at Camden Court House, he was elected by 514 majority. Zebulon B. Vance was elected in the Mountain District, and the North Carolina delegation otherwise remained unchanged. Upon the meeting of Congress a protracted struggle ensued in the House of Representatives. Neither the Democrats or Republicans had a clear

*Sickle's Trial.

†Governor Floyd's Report.

majority, and a small band of Old Line Whigs and Know Nothings held the balance of power. The Democrats nominated for Speaker, Thomas S. Bocoek of Virginia, and the Republicans, John Sherman of Ohio. John W. Forney of Pennsylvania, Clerk of the previous House, presided through tedious weeks of fruitless balloting. The Southern Know Nothing members were vainly urged to come to the support of Mr. Bocoek. At last, the Democrats, struck by the fairness, patriotism and evident ability of W. N. H. Smith, came in a body to his support, and, with his party friends, really elected him Speaker of the House. But alas, for the good faith of his supporters! Before the result could be declared, Edward Joy Morris of Pennsylvania, and five others who had voted for Mr. Smith, changed their votes and thus elected Pennington of New Jersey to the Chair. Thus, our State, which had not been honored by the election of a Speaker from its delegation since 1815, when Nathaniel Macon presided in the House, was defrauded, in the person of Mr. Smith, of a justly earned distinction. His subsequent course in Congress gave the Democrats no cause to regret the very unusual spectacle of a large body of men selecting a political opponent for one of the highest offices of the government. Wisdom, discretion and patriotism were in all his words and acts, and he became universally respected by the good men of all parties during the two years of his service in Washington City.*

As the autumn forest was assuming its richest dyes and the great fields of cotton grew white for the harvest, like lightning from a cloudless sky, came the startling announcement that Captain John Brown and a party of Northern fanatics, had seized the United States Arsenal at Harper's Ferry, in Virginia.† The crazy and besotted lunacy of the whole proceeding, but for the fact that the miscreants had murdered innocent men in their attempt, might well have merited only contempt in its notice. Governor Wise and the Virginia authorities thought differently, and the raiders paid the penalty of their lives for their criminal

**Congressional Globe.*

†Holmes, page 263.

rashness. That John Brown was a responsible agent, may well be doubted. If actions prove insanity, then he was more deserving of a lunatic asylum, than the military display and the pitiable scene of his death on the gallows. It is lamentable that American courts are but too much swayed by the violence of popular feeling. Mrs. Surrat would have been absolutely safe in Great Britain, under the charges preferred against her, and pity and forbearance might well have substituted a straight-jacket and solitary confinement, in the case of the unhappy old man who had undergone so much in Kansas calculated to unhinge his mind.

Chief-Justice Thomas Ruffin, after long and illustrious service, resigned his place in the Supreme Court and retired to the privacy of his farm in Alamance. He had been on the bench since 1816, and is, by common consent, remembered as the greatest Judge who has ever presided in North Carolina. His learning, integrity and dignity of manner made him a model of judicial propriety. His opinions, as delivered in the Supreme Court, were no more remarkable for legal precision than literary grace and elegance. He was succeeded as Chief-Justice by Judge Nash, and Mathias E. Manly of Craven was promoted from the Superior to the Supreme Court bench. Three new Judges were elected for the Superior Courts: R. R. Heath of Chowan, J. W. Osborne of Mecklenburg and George Howard of Edgecombe. Judge Heath had been for many years a leader in the Edenton circuit. He was a Northern man by birth and education, having been reared in New Hampshire. He always classed as a Democrat, and was more noted as a jurist than advocate. He had great contempt for Buncombe speeches, and always spoke with all the brevity consistent with the merits of his case. Judge Heath was a member of the Roman Catholic Church, and was remarkable for the smoothness and geniality of his disposition. Judge Osborne rivalled him in the two latter respects, and was greatly admired as a man and lawyer in the Western circuits. Judge Howard was a much younger man than his two colleagues, but had, for several years, divided with William T. Dortch the

honors and emoluments of the Goldsboro District, then presenting the richest legal harvest to be found in North Carolina. His fine presence, quickness of apprehension and legal abilities gave him large success upon the bench, while his personal qualities brought troops of friends wherever he was known. Judge Howard still survives as a leader at the Tarboro bar.

With the waning year, Washington Irving followed Prescott, the historian in his exit from a world they had contributed so much to edify and instruct. Irving was the first cousin of James R. Dodge, so favorably known as a humorist and lawyer in the same circles frequented by inimitable Hamilton C. Jones. Dodge's "Epitaph on Hillman, Dews and Swain," and Jones' "Cousin Sallie Dillard," will probably be remembered when the greatest law cases in which they were ever engaged, shall have utterly perished from the memory of man.

The year of our Lord 1860 came upon the American people still at apparent peace among themselves, but their condition was like that of a peasant dwelling upon the slopes of Vesuvius. Beneath the surface, the slumbering energies of a horrid convulsion were but biding their time for ruin and death. A prodigious material prosperity seemed sent upon us as if in mockery of the frightful political dangers so near at hand. That annual wave of population which had been steadily approaching the setting sun, still rolled westward and continually added to the area and strength of the populated districts. The original thirteen States had grown to thirty-four, and the census showed that in 1860 the three millions of people of 1776 had been more than ten times multiplied. Of this number, five millions of white people dwelling in the South, with almost an equal number of slaves, felt that a crisis had come in their fortunes, and that only by the blessing of God could the evil day be long deferred. They had long experienced the steady injustice of the different tariffs. In addition to this, there was an average loss by slaves escaping to the North, of fifteen millions of dollars each year. Almost every free State had enacted "Personal Liberty Laws." The great quadrennial contest for the Presidency was again at hand. After

the fruitless session at Charleston, there was hopeless division in the Democratic ranks. Stephen A. Douglas had been the source of unmitigated discord in Congress, and, with his friends, completed the work at Charleston. Southern Democrats were resolved that they would not support the man who had so grossly deceived them in his double dealing on the subject of slavery in the Territories. Thus, at Baltimore, Judge Douglas became the candidate of the Northern Democrats, and Vice-President Breckenridge that of the Southern Democrats. The ticket headed by John Bell of Tennessee, was but a ghostly apparition of defunct statesmen and principles. It really did not disturb the South, which was almost solid for Breckenridge and Lane, and was equally without followers in the North. Abraham Lincoln and his supporters, though a minority of the people, saw with grim satisfaction, that through the divided councils of their opponents, the Republicans were sure of success.*

The Presidential contest of 1860 was one of the saddest spectacles in the world's history. A people blessed beyond all precedent in everything which could contribute to the individual happiness and material prosperity of the governing class, in the madness of their great dispute, became oblivious of the past and reckless of the future. The Republican party of the North, and the Democrats of the Gulf States, were resolved at all hazards upon carrying out their opposing views. Northern Democrats and a great portion of the people of Virginia, Maryland, North Carolina, Tennessee, Kentucky and Missouri were opposed to violent measures and vainly urged moderation in the conflict. The Old Line Whigs had irreproachable representatives in John Bell of Tennessee and Edward Everett of Massachusetts. They were statesmen of ability, long service and unsullied records. But they were the leaders of a forlorn hope. Their party had utterly perished as a national organization, and could only divide the South, with no prospect of Northern support. John C. Breckenridge, though young, had grown illustrious by the vari-

*Proceedings of Convention.

ety of his brilliant gifts. He had already enjoyed the second highest office in the gift of the American people, but his friends had only hope of his election in the event of the election going to the House of Representatives. Judge Douglas, heading the bulk of the Northern Democrats, could foresee nothing but ruin to the party which had so often honored him, and, like Martin Van Buren in 1848, became a candidate for the Presidency, when in so doing, he well knew that he would but aid the schemes of those Abolitionists he had been so long opposing and denouncing. Abraham Lincoln was unquestionably the ablest and best man of the Republican party. Though a sincere Free Soiler, he was without malice in his nature, and was great enough to appreciate the feelings and creeds of the Southern people.

The only issue to be tried in this great struggle was the question of slavery in the Territories. Mr. Lincoln and the Republicans advocated the Wilmot Proviso, Judge Douglas Squatter Sovereignty, and Vice-President Breckenridge and his friends insisted, that as the Territories were the common property of the United States and the law recognized slavery, that owners should be protected in their rights as affirmed under the Dred Scott decision, and that the whole question should be remitted to the people of the Territories, assembled in convention under an enabling act from Congress, authorizing them to form a constitution and thus become a State of the American Union.

In North Carolina there was great agitation on a new political issue. The "Opposition" convention, which met in Raleigh, proposed a radical change in the mode of taxation then existing in the State. William W. Holden, Moses A. Bledsoe and some others, had been agitating, before working men's associations, a scheme which they proposed to reach slave property by an *ad valorem* tax. These slaves, between twelve and fifty years of age, were already subject to a poll tax, and the project had been warmly denounced by men of all parties in the State. It was then a matter of sore astonishment when it was known that a great and intelligent party, which had been so conservative in its pre-

vious history, should have adopted, as an article of its faith, a principle utterly at war with all its precedents.*

Governor Ellis buckled on his armor and took the field in opposition to the new political hobby, which had been manufactured in the hope of his overthrow. His competitor was John Pool of Pasquotank. He had recently married a rich and charming wife in Mary E. Mebane of Bertie, and by his native ability, numerous connections and hospitalities, was, next to W. N. H. Smith, the most popular man of his party in the Albemarle region. He had graduated at Chapel Hill in 1847, along with General M. W. Ransom, General J. J. Pettigrew, Rev. Dr. T. E. Skinner, Dr. R. H. Winborne and others. He had twice served in the Legislature, as Senator from Pasquotank, and was prominent from his ability in debate and intense partisanship. Senator Pool was early remarkable for his ambition and disregard of the means which might lead him to success. He was as subtle, cool and unrelenting as the greatest of the Jesuits, and in his bold self-reliance, took his chief delight in upholding the wildest moral and political paradoxes. He was more than a match for Governor Ellis in debate, but with all his plausibility and address, met an overwhelming defeat in the August election. The *ad valorem* issue produced excitement from the fact that Eastern slaveholders were apprehensive that in case of its success, onerous burdens would be imposed upon their property. The State had assumed a debt of about fourteen millions of dollars, mainly contracted since 1848, in building works of internal improvement. The western counties were still clamorous for large additions to the railways then in existence. Eastern men were already heavily taxed for works in whose benefits they could not participate, and thus the peculiar institution was a source of disquiet both from dangers at home and abroad. H. H. Helper and B. F. Hedrick were recommending the identical policy advocated by John Pool, and the thick pall of darkness

*Opposition Platform, 1860.

and uncertainty as to the future, was hourly growing more portentous.

Upon the reception of the news from Baltimore, in the summer of 1860, when it was known that two Democratic Presidential tickets were in the field, the candidates for electors of that party, with the exception of Henry W. Miller of the Raleigh District, by card, announced their intention, in case of their election, to vote for Breckenridge and Lane. Mr. Miller resigned his position, and A. W. Venable of Granville, was nominated in his place.* The few Douglas men of North Carolina held a convention in Raleigh, in which Mr. Miller was re-instated and a full ticket nominated.

Edward Graham Haywood of Raleigh, and Dr. Rufus K. Speed of Elizabeth City, addressed the people on the political issues. They were candidates for the position of elector at large, and were both remarkable men. Colonel Haywood is the oldest son of that eloquent man who had been United States Senator, and had then recently died. He more than equals his brilliant father in learning and oratorical gifts. His elaborate preparation, his fine presence and dignity of action, were not even surpassed by Governor Davie in his palmy days. Dr. Speed was no contemptible antagonist in an encounter with such a man. His medical training had not enabled him to possess the gifts rarely found except in great lawyers, but his native intelligence, burn-

*NOTE.—In the Edenton District, John W. Moore, who had declared for Breckenridge, met in the canvass, James W. Hinton of Pasquotank, on the Bell and Everett ticket, and Samuel W. Watts of Martin, supporting Douglas and Johnson. Colonel Hinton was at that time Clerk of the County Court, and just ready to commence his career as a lawyer. He was famous as a stump speaker, and won high position as an advocate. Like his friend, Major Yeates, he was an enthusiastic Methodist, and was prominent as a lay member in that large and influential church. Judge Watts, like his competitors, has devoted his manhood to legal pursuits. An amiable temper, and force as a public speaker, with a curious turn for the occult sciences, are his distinguishing traits. He, and Colonel Hinton, joined forces against the Breckenridge candidate, as was the case generally in North Carolina; but the State went for the gallant Kentuckian by a handsome majority, over all the opposing candidates.

ing zeal and entire devotion to his political faith, made him a powerful and successful advocate of what he so earnestly believed was the good of the American people.

There was much grief in the month of July, not only in North Carolina, but throughout the Union, at the announcement of the death of Joseph Gales of Washington City. He had been, since President Madison's time, controlling editor of the *National Intelligencer*, and had acquired such reputation and weight as has been accorded to no other newspaper man, with the single exception of the late Horace Greeley, and, perhaps, Thomas Ritchie. Mr. Gales and his family had long been identified with North Carolina, and had done much to contribute to our power and fame as a State.

The Legislature met in November. Colonel Henry Toole Clark of Edgecombe, became President of the Senate, and William T. Dortch of Wayne, Speaker of the House. Mr. Dortch was born and reared in Nash, and was leading counsel at the Goldsboro bar. He had great reputation as a lawyer, and, like Colonel Clark, was of the Democratic faith. In the Legislature, were seen for the first time, Augustus S. Merrimon of Buncombe, and Mills L. Eure of Gates. Judge Merrimon was then a young lawyer, who, mainly by his own exertions, had fitted himself for the Bar, and was giving promise of his future prominence and usefulness. Judge Eure had graduated at Chapel Hill, four years before, and was fast becoming the most popular and honored citizen Gates has known since the days of General Joseph Riddick.* His kindness, modesty and purity, are adorned by superior intelligence, and it is difficult to decide whether he is more respected as a Judge or admired as a man. The Electoral College of North Carolina also met in the month of November, in the Senate Chamber of the Capitol. The venerable A. W. Venable, who had served in the Electoral College of 1836, along with Nathaniel Macon, was chosen to preside. The eleven votes of North Carolina were cast for John C. Breckenridge of Kentucky, and Joseph Lane of Oregon.

*Journals.

Amid the ringing of marriage bells came the ominous tidings that South Carolina, through her Convention, had passed the Secession Ordinance and had withdrawn from the Federal Union. Abraham Lincoln had been elected President of the United States, and the fiery sons of the Palmetto State had entered upon that fearful drama, which was to prove a long tragedy of blood and unimagined woe. The people of North Carolina looked in sadness upon the precipitation of the sister State. That Union which they had helped to form had been too full of blessings to be rashly abjured, although it was about to pass into the control of men long recognized as enemies. It was hoped that a remnant of patriotism might still effect a compromise of the mighty quarrel between sister States, and peace and prosperity be brought back to the land. Mr. Buchanan, in the White House, was a spectacle to move the tears of men and angels. He had sworn to uphold the Constitution; but that great chart contained no directions by which the ship of State was to be guided in this unforeseen contingency. Treason and rebellion could be reached and punished in individuals, but how should he treat a recusant Commonwealth. The wise and patriotic statesman would not falsify his record or unsay his utterances for a half century past. He left it to those who had sown to the wind to reap the whirlwind that followed. Mr. Lincoln and his friends had pulled down the pillars of the government; to them should be the blood and agony and honor—if honor there be—in their costly replacement.

The new year (1861) brought an increasing load of doubt and anxiety to the minds of the Southern people. In the eighty-six years which had elapsed since the skirmish at Lexington, a great nation had grown up in America, and the men of all sections had learned to love and venerate the bond of union between the confederated States. Under Mr. Buchanan's policy, there was hope that the seceding Gulf States might possibly, under fresh guarantees, be induced to resume their position in the councils of the United States. Mr. Lincoln's speech at Springfield, Illinois, effectually banished every such expectation. It was yet more than a month to the time of his inauguration, when he, after

asserting that it was "an artificial crisis, and that no one was hurt," openly proclaimed his intention of using the whole power of the government to coerce the South.

No people were ever placed in more embarrassing circumstances than were the North Carolinians of 1861. They knew that their sovereign and independent State had entered into a specific contract with other similar Commonwealths, in 1789, by which a common agency for their mutual benefit had been erected, and called "The Government of the United States of America." This limited agency, which had been so laboriously restrained by the Constitution from exceeding its powers, had passed to the control of men who were in the habit of denouncing the Federal compact as a "league with death and a covenant with hell." Not only was the property of the South to be destroyed by the machinations of such enemies, but the institutions and equality of the States themselves. The Southern people were not only assured of the hatred borne them by the successful Republican party, but they were satisfied of their active and relentless persecution if they remained in the Union. The States rights men declared, with Jefferson and Madison, in the Virginia and Kentucky resolutions of 1788-'89, that the States were the judges of the infractions of the great agreement, and of their remedies in the premises. It was contended that the same power which was capable of entering into the agreement was likewise capable of declaring it violated, and consequently void. If North Carolina, speaking through a convention of her people, could make herself a party to the new arrangement in 1789, the same authority could, in 1861, annul and destroy the ties then assumed. This was the argument of the men called "Secessionists." Some Democrats, like Bedford Brown, and the great body of the Whigs, denied the power of the State to recall the sovereignty delegated, but were fully resolved to meet Northern encroachments by what they called "revolution." All were agreed upon armed resistance to any unconstitutional exertion of Federal authority.

By February 1st, seven States had declared themselves out of

the Union, and had withdrawn their Congressional delegations from Washington. North Carolina, with a remnant of her Southern consorts, still adhered to her ancient pledges, with the hope that the "Peace Conference," or the "Crittenden Compromise," might effect something to avert bloodshed.

Upon the meeting of the Legislature, Colonel H. T. Clark of Edgecombe, was re-elected President of the Senate, by a vote of twenty-eight to sixteen, over Victor C. Barringer of Cabarrus, and in the House of Commons, William T. Dortch of Wayne, was chosen Speaker, over D. D. Ferebee of Camden, by a majority of six.* Colonel Clark was an amiable and excellent man. His culture and social amenities were charming, but nature had little fitted him as the presiding officer of a parliamentary body in a period of revolution and public confusion. Very different was, and is now, Mr. Speaker Dortch. He was bold, incisive and the embodiment of courageous self-assertion. A long and extensive practice in the courts, where he was leader of his circuit, gave the training needed in one who attempts the administration of the subtle contingencies constantly arising for prompt and intelligent decision by a presiding officer. He was reared in Nash county, and is yet one of the leading lawyers and public men of the State.

It was at once seen, upon the assembling of the Legislature, that much division existed among the members as to the proper line of conduct on their parts. The Breckenridge Democrats, as a party, were for demanding fresh guarantees in the shape of amendments to the Federal Constitution, or in the event of their refusal by the North, then to follow the policy of the Gulf States and abandon the Union. Some of the Old Line Whigs were of the same opinion, but the bulk of that party, and the Douglas Democrats, declared that the election of Mr. Lincoln afforded no pretext for a dissolution of the Union, and they were contented simply to "watch and wait."

*Fayetteville Observer, December 17th, 1860.

On December 10th, the Committee on Federal Relations (S. J. Person, Chairman,) reported, recommending the call of a State Convention, to be elected February 7th, and to meet eleven days later, provided a majority of the voters should approve such call. It was further recommended that a volunteer force of blank thousand troops should be at once enrolled and armed for defence. Giles Mebane, Colonel David Outlaw and Nathan Newby of Perquimans, signed a minority report of the same committee, in which they opposed the meeting of a convention as "premature and unnecessary." The minority recommended the assumption of such a policy by the Legislature, as would procure the early meeting of a convention of all the States for the purpose of arranging the great matters of contention between the Northern and Southern States.

Late in December, Major Robert Anderson withdrew from Fort Moultrie and assumed a new position at Fort Sumter. This was in violation of his agreement with the South Carolina authorities, and produced great excitement. It was rightly considered a threat on the part of the Federal officers to resist all efforts at procuring their departure from the State, and almost an act of open hostility. It was further understood, that re-inforcement of troops and munitions were to be sent South. These things were calculated to excite and alarm the men of the lower Cape Fear region, and, early in January, William S. Ashe, E. D. Hall and others, went to Raleigh and besought Governor Ellis for orders, or permission, for the occupation of Forts Caswell and Johnston.* The Governor declined. It would have resulted in infinite trouble, had a battalion of United States troops been then placed in Caswell. The men of that section felt the possibility of the danger and, without awaiting the sanction of the State, took possession of both the works at the mouth of the Cape Fear. The remonstrances of Governor Ellis procured their evacuation, however, in a few days.

The Legislature of North Carolina, and Governor Ellis, received visits from several commissioners from different Southern States

*Fayetteville Observer, January 7th, 1861.

in the course of the winter, soliciting our co-operation in the secession movement. One of the commissioners was I. W. Garrott, who, with R. M. Smith, represented the State of Alabama. General Garrott was reared in Chatham county, North Carolina, was educated at Chapel Hill, and had risen to great prominence as a lawyer in his adopted State. He married Margaret Fletcher, whose mother was Emeline Moore of Mulberry Grove, in Hertford, and he was killed at the head of his brigade at Vicksburg. Another was Jacob Thompson of Mississippi, then Secretary of the Interior. He was reared in Caswell, North Carolina, graduated at Chapel Hill, in the class of 1831, and having cast his fortunes with the seceders, now came to beg his old friends of North Carolina to go the same way. But all solicitations from abroad failed to move the State from its resolute purpose of watching and waiting for an overt act to justify North Carolina in sundering those ties with which she had deliberately bound herself in 1789. It was urged that a united South would deter the Republican party from its threats of coercion, and, in case of war, would deliver our people from the penalties of treason to the general government. At length, early in February, through the strenuous efforts of Judge S. J. Person, W. W. Avery, Victor C. Barringer and others, a bill was passed for the election of delegates to a convention, with a provision annexed, that each voter should also, at the same time, cast a ballot for or against holding the said convention. It is needless to add that the people, by a small majority, opposed the movement.

Ere Abraham Lincoln could take the oath of office, as sixteenth President of the United States, Jefferson Davis had been inaugurated, and a full provisional government organized at Montgomery. No man in history has been braver, truer or more unfaltering than Mr. Davis. He has large intelligence, great energy, and is nobly loyal to his convictions, and yet he has bitter prejudices, and is lacking in that magnanimity so essential in a leader, who should combine and centre upon himself the love and confidence of all his lieges. Amid weary hours of doubt and suspense, the people of North Carolina awaited the progress of

events. At length, like the fatal tidings from Lexington, came the news that General Beauregard had opened his guns upon and captured Fort Sumter. Weeks elapsed, in 1775, before the beginning of the war was known to all the colonies, but Major Robert Anderson had not surrendered before a continent had been aroused by the intelligence. Mr. Lincoln made a requisition upon Governor Ellis for fifteen hundred troops. The Chief-Magistrate of North Carolina made high answer to the President of the United States, assuring him, that in the coming conflict, his people would afford no aid in carrying war upon their Southern friends. Though fast sinking in hopeless disease, his heart still nerved him for the contest. He issued a proclamation, calling the General Assembly together, and for twenty thousand volunteers, and also announced that war was upon us, and that, at all hazards, the Old North State should assume her proper place in the great controversy. The Legislature called a convention, and, on May 20th, the anniversary of the Mecklenburg Declaration, the State, which had taken a year of deliberation before ratifying the Federal Constitution, and was now so slow to recall her plighted faith, passed the Ordinance of Secession.*

Upon the reception of the news from Charleston, and President Lincoln's proclamation, North Carolinians at once arose for the defence of the Confederate States. Secession had been forborne in the hope of a compromise, but, with the announcement of war, the determination was immediate and well-nigh universal for a

*NOTE.—An extraordinary array of distinguished men were members of the Convention of 1861. R. F. Armfield, A. H. Arrington, W. S. Ashe, Judge Badger, D. A. Barnes, Kemp P. and W. S. Battle, Judge Biggs, James Bond, Bedford Brown, Burton Craige, R. P. Dick, Dr. Richard Dillard, D. D. Ferebee, John A. Gilmer, Ralph Gorrell, Governor Graham, Bryan Grimes, T. L. Hargrove, W. W. Holden, W. J. Houston, Judge Howard, E. W. and H. C. Jones, William Lauder, Walter F. Leake, John Manning, T. D. Meares, Giles Mebane, Anderson Mitchell, Judge Osborne, W. S. Pettigrew, Kenneth Rayner, Governor Reid, Thomas Ruffin, F. B. Satterthwaite, H. M. Shaw, R. H. and W. A. Smith, Dr. R. K. Speed, Colonel S. B. Spruill, George V. Strong, Colonel W. H. Thomas, C. R. Thomas, A. W. Venable, E. J. Warren, John D. Whitford, Governor Warren Winslow and N. W. Woodfin, were all men of note in the State, and, with others not mentioned, constituted a body of great dignity and ability.

strenuous and unrelenting defence against coercion. The United States Arsenal at Fayetteville, containing thirty-seven thousand muskets and the full equipments of a light battery of artillery, was at once seized. Major Anderson, Captain Bradford and Lieutenant DeLagnel were in charge. They were allowed to send away, by way of Wilmington, the company of Federal troops, and they subsequently became valued officers of the Confederate army. Fort Macon, at Beaufort, and the works at the mouth of Cape Fear River, were at once occupied by the volunteers and put in a condition of defence. As deliberate as had been the action of North Carolina while there was yet a hope of arrangement, there was at once seen, upon the breaking out of hostilities, the utmost unity and enthusiasm in arming for the conflict. From every portion of the Commonwealth came tenders of companies, battalions and regiments. Men were far more abundant than arms and munitions. The first regiment formed, selected D. H. Hill of Charlotte, as its Colonel, and was hurried to Yorktown, in Virginia. Colonel Hill had seen service in Mexico, and was a brave and capable officer. No one surpassed him in devotion to the Southern cause, and he was to rise high in command during the progress of the war. He, like Stonewall Jackson, his brother-in-law, was rigid in religious observances and had written a book on such subjects. His austere nature did not fit him for inspiring enthusiasm in the warm pulses of Southern soldiers, but all recognized in him a leader, who was then, and yet remains, a thoroughly conscientious and valiant man.

On June 9th, 1861, General B. F. Butler, commanding at Old Point Comfort, ordered an advance to be made against General J. B. Magruder's out-posts at Little and Big Bethel, near Yorktown, Virginia. This advance was made in two columns: Duryea's Zouaves and the Third New York Regiment on the right, and Benedix's Regiment and a Vermont battalion on the left, by way of Newport News. Just before day, on the morning of the 10th, these two bodies of Federal troops approached each other, and opened a fusillade. This was the beginning of their disasters. They found Colonel D. H. Hill posted at Big Bethel

with the First North Carolina Regiment, three Virginia cavalry, two infantry companies, and one battery of the Richmond Howitzers, under Captain G. W. Randolph. General Pierce, in command of the Union forces, ordered an assault, which was bravely led by Major Winthrop, but he was slain and the attack completely failed. There was inconsiderable loss in this affair. Private Wyatt of Edgecombe county, was the only man slain on the Confederate side, and he was the proto-martyr of the South in the battles of the war.

On the 7th of July, Governor Ellis came to his death, at the Red Sulphur Springs, in Virginia, where he had gone in the vain hope of restoring his failing health. He was succeeded in executive functions by Colonel Henry T. Clark of Edgecombe, who was Speaker of the Senate.

Governor Clark appointed Major James G. Martin, late of the United States army, Adjutant General in place of Colonel Hoke, who was to assume command of the Twenty-third North Carolina Regiment. General Martin had much experience in such work and was to be of large use in the great struggle then begun.

On June 18th, the Convention elected, as delegates to the Confederate Congress, George Davis of Wilmington and W. W. Avery of Burke, as Senators, and W. N. H. Smith, Thomas Ruffin, T. D. McDowell, A. W. Venable, J. M. Morehead, R. C. Puryear, Burton Craige and A. F. Davidson, as Representatives. On the same day it was resolved to elect a Board of Claims, and B. F. Moore, S. F. Phillips and P. H. Winston were chosen.

In Raleigh, Governor Clark appointed General James G. Martin as Adjutant-General to succeed Colonel John F. Hoke of Lincoln. L. O'B. Branch was made a Brigadier-General and was replaced by Major John Devereux as Quartermaster. Colonel William Johnson of Charlotte, was succeeded in the commissary department by Dr. Thomas D. Hogg. The Second Regiment, under Colonel C. C. Tew, was in camp nearly ready for service. The Seventeenth Regiment, commanded by Col-

onel William F. Martin, was at Portsmouth, North Carolina. The Third Regiment, under Colonel Gaston Meares, and the Fourth, Colonel George B. Anderson, were in camps of instruction at Garysburg. Colonel Duncan K. McRae, with the Fifth, was at Halifax. At this time, the First North Carolina Regiment, under Colonel M. F. Stokes, was at Warrenton, the Twelfth, Colonel Solomon Williams, the Thirteenth, Colonel William D. Pender, and the Fourteenth, Colonel Junius Daniel, were in the neighborhood of Norfolk. The First Cavalry, commanded by Colonel Robert Ransom, was at Ridgeway, in Warren, and the Second Cavalry, Colonel S. B. Spruill, at Kittrells.

In the last days of June, affairs in Northern Virginia began to assume a critical aspect. General Joseph E. Johnston, having evacuated Harper's Ferry, was confronting the twenty thousand Federal troops under General Patterson. The Confederate force there comprised the four brigades of Generals Jackson, Bartow, Bee and E. Kirby Smith, and, with Stuart's cavalry, amounted to nearly nine thousand men.* General Beauregard had at the same time on the south, back of Bull Run, near Manassas, the brigades of Ewell, D. R. Jones, Longstreet, Cocke, Bourham, Holmes and Early. On the 18th of July, General Johnston was informed by General Cooper, by telegraph from Richmond, that a strong Federal force was fronting the Confederate position at Manassas, and he was ordered to its relief. General Irvin McDowell left Washington with the divisions of Runyon, Miles, Tyler, Hunter and Heintzelman. Of these, General Heintzelman's alone amounted to nine thousand five hundred men, so some estimate may be formed of their strength. McDowell was ordered to turn the right of the Confederate position and to interpose between the army under Beauregard and the city of Richmond.†

Johnston hastened with a portion of his command from the valley to Beauregard's relief. On the 21st of July, General Beauregard had his force scattered up and down the stream for five miles, in uncertainty as to what point he would be assailed.

*Johnston's Narrative, page 55.

†Johnston's Narrative, page 31.

A strong force threatened his right flank, and there was concentrated much of his strength. Upon Colonel Evans, with his fourteen companies of infantry and a single field battery, stationed at the Stone Bridge, was the main attack made. A movement of the enemy above that point being reported, Evans, with eleven companies and two of his field pieces, confronted the enemy and, with supreme bravery, held the formidable movement in check until Bee, Hampton and Jackson came to his relief. Burnside's and Porter's brigades had begun the attack, and gradually the divisions of Tyler and Hunter were brought to the support of Heintzelman. The Confederates were likewise re-inforced, until nine regiments, two companies of infantry, six companies of cavalry and five batteries, from the valley; and twenty-seven companies of infantry, six companies of cavalry and six pieces of artillery, of Beauregard's force, were engaged. Colonel Charles F. Fisher, with the Sixth North Carolina Regiment, reached the field about half-past two o'clock.* Federal troops were massing on the Confederate left, and the Sixth North Carolina, followed by Kershaw's and Cash's regiments of South Carolinians, were at once sent on that flank. Fisher continued to advance until he encountered the enemy and drove them from his front, capturing Pickett's Battery. About this time, a Massachusetts regiment, in uniforms of gray, being mistaken for Southern troops, were suffered to approach and fire into their ranks. Colonel Fisher was, unfortunately, slain, but the brigade of E. Kirby Smith, followed by that of Early, and five companies of Stuart's cavalry, made such an assault upon the right flank of the Federal army that the troops there posted were thrown into such confusion that a general stampede ensued,

*NOTE.—General Johnston mentions this fact, and further, that the train upon which they came to Manassas was so unfortunate as to collide with an empty one which was returning for more troops. He does not state, however, the circumstance of Colonel Fisher's promptness in replacing the ditched engine and coaches and clearing the track for the approach of other trains. Colonel Fisher had much experience as a railroad man, and many of his soldiers had been employed on such work at home. They thus rendered possible the timely arrival of Kirby Smith and the rout of the enemy.

and the beaten assailants fled in disorderly rout toward Washington.

Besides Colonel Fisher's Sixth North Carolina, a battalion of the Fifth and Twenty-first North Carolina Regiments, also participated in the victory that day won. Perhaps no contest in the world's history ever caused so much joy on one side, and grief on the other, and was yet so barren of results. The battle proved nothing but the desperate valor of the Confederates, and was full of blunders and misconceptions in the commanding officers. But three of McDowell's five divisions were brought upon the field, and his attacks were so disconnectedly made that his full strength was never at one time felt. But thirteen thousand Confederates were engaged, and a large force was kept down the stream by the feint on their right, when such strenuous need existed for their presence on the other wing. Beauregard had been saved from defeat, by Johnston's timely succor, and, together, they stumbled into a loud-resounding victory. The South was half crazed with exultation, and the gloomy North grew only the more determined to avenge, by years of persistent effort, the first of many great and humiliating defeats to be undergone at the hands of the heroes they first met at Manassas.

North Carolina was by this time a vast military camp. From every quarter came tenders of companies and regiments of men, who, now that the State had cast her fortune with the new Confederate government, were resolved to drive back the invaders of our soil. From the first, preparations for the defence of North Carolina were meagre in every respect. A small circular work, with thin parapets and traverses, mounting eight smooth-bore thirty-two pound guns, known as Fort Hatteras, was relied upon to defend the inlet of the same name. Before this insignificant defence, Commodore Stringham, with a formidable fleet, carrying General B. F. Butler and a large land force, appeared August 27th, 1861. Lying far beyond the reach of the guns of Fort Hatteras, the fleet, with perfect impunity, for two days shelled the troops in this man-trap, until, at the advice of Commodore Barron, Confederate States Navy, Colonel William F. Martin,

commanding the Seventeenth Regiment, surrendered the garrison as prisoners of war. This was a cruel disaster to Eastern North Carolina. No one blamed the chivalrous and irreproachable Martin, for with his imperfect preparations, no better resistance was expected. The only good effected was Commodore Stringham's recognition of his captives as prisoners of war. The United States Government had not recognized our troops as belligerents, and that was said to have been Commodore Barron's chief motive in urging a surrender of the forces, when by waiting until night there was abundant opportunity of escape. There was great grief in old Albemarle, for the Seventeenth Regiment was composed of men inhabiting that region. Hundreds of families mourned for the gallant spirits shut up in Fort Warren, and through all the many water courses spread the terror of the Federal gunboats. Efforts were made at once to fortify Roanoke Island and New-Bern, but how unavailing, the next year would show.

Colonel D. H. Hill had been promoted for his gallantry and success at Bethel, and his regiment, the first of all our troops in the field, was now called the Eleventh, with C. C. Lee as Colonel. He was a gallant and meritorious officer, and remained in the field until his death in battle. North Carolina had called for and equipped ten regiments, enlisted for the war. Colonel M. F. Stokes, who had been a Major of the North Carolina

NOTE.—In addition to Colonel Martin, Major Henry A. Gilliam, Captain Thomas Sparrow, Captain Lucius J. Johnson and other prominent citizens were received as prisoners of war, on board the United States Steam Frigate *Minnesota*. The gun in the southeastern angle of Fort Hatteras, under the command of Lieutenant G. W. Grimes, was fought with conspicuous gallantry. A thirty-two pounder at the middle of the sea-face was also bravely and skillfully handled by Lieutenant Murdaugh of Confederate States Navy, until he was struck down and his piece disabled. A gun's crew under Lieutenant Julian G. Moore, at the northeastern angle, also did their best in the vain and unequal struggle. The *Harriet Lane* was the only ship in the fleet which suffered in the engagement; being of lighter draught than her consorts, she ventured within range of the guns in Fort Hatteras and was speedily disabled. The loss on both sides was slight.

regiment in the Mexican war, with his command, assumed the title formally belonging to Colonel D. H. Hill's regiment, and thus that fine body of men was subsequently known as the Eleventh Regiment North Carolina Volunteers. Colonel Hill was sent by the Secretary of War, to assume command in the Albemarle region. He found Colonel H. M. Shaw with the Eighth North Carolina State Troops, and Colonel A. R. Wright, Third Regiment Georgia Volunteers, at Roanoke Island. Colonel S. B. Spruill, with six companies of the Second Cavalry, Nineteenth Regiment North Carolina State Troops, was at Edenton. General Hill did all that he could to strengthen the defences on the southern extremity of Roanoke Island, but was soon summoned back to Virginia, to assume, as Major-General, the command of a division in the army at Manassas, then commanded by General Joseph E. Johnston.

The department of North Carolina was at that time commanded by Brigadier-General Gatling, a veteran North Carolina ex-officer of the United States army, who had his headquarters at Goldsboro. Colonel L. O'B. Branch had been promoted from the command of the Thirty-third Regiment North Carolina Volunteers, and was in command at New-Bern. Colonel Spruill, with his six companies, was removed from Edenton and re-inforced the Thirty-third North Carolina State Troops, Twenty-seventh North Carolina Regiment, Colonel Sloan, and the Seventh Regiment, North Carolina State Troops, Colonel Reuben P. Campbell, then constituting the force at the disposal of General Branch. Companies D, F, G, H and I, Seventeenth North Carolina, were prisoners. The balance of the regiment was at Roanoke Island. Companies G, H, I and K, Thirty-second North Carolina, were also captured at Hatteras. The other companies were in Virginia, as were the First, Second, Third, Fourth, Fifth, Sixth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Twenty-first, Twenty-third and Twenty-fourth Regiments, and Companies B, H and F, Heavy Artillery of the Tenth Regiment, were at Fort Macon. Battery C, Light Infantry, at New-Bern; G, also Light Artillery, near Fort Macon;

Light Battery D, at Centreville, Virginia; Company A, of the same regiment, near Suffolk, Virginia; Company I, Heavy Artillery, at New-Bern; Company K, Hatteras prisoners. The Eleventh Regiment had been disbanded November the 13th; Twentieth Regiment, Colonel Iverson, was at Forts Johnston and Caswell; Twenty-eighth Regiment, Colonel J. H. Lane, Wilmington, as were the Thirtieth and Thirty-first Regiments; Twenty-ninth and Thirty-fifth Regiments, at Raleigh; Thirty-fourth, Colonel R. H. Riddick, and Thirty-seventh, Colonel C. C. Lee, were at High Point; the Eighteenth, Colonel R. H. Cowan, and Twenty-fifth, Colonel Clingman, were in South Carolina.* Such was the military aspect of North Carolina in the winter of 1861.

Governor Clark was most ably assisted by his Adjutant-General, James G. Martin, in organizing and sending out the fast assembling troops. He had recently resigned his place as Major in the United States army, and had years of experience in the Quartermaster's Department. He had served with gallantry in Mexico and lost an arm at Churubusco. He was the brother of Colonel W. F. Martin, and, like him, was born and reared in Pasquotank county. Under his able superintendence, before the year had expired, forty-five regiments had been mustered, armed and equipped for active service. Of these, one was artillery, two cavalry, and, in addition, Ramseur's, A. D. Moore's, Brem's and Reilly's Batteries of Light Artillery.

As the year drew to its close, amid the anxieties of the great conflict, two more of our distinguished citizens, in addition to Governor Ellis, found in death, release from the frightful turmoil by which they were surrounded. On September 7th, Judge Willie P. Mangum died at his home in Orange. He had been in retirement since 1853, but from 1818 to that time, he had been continuously the occupant of great positions. In his prime, he was unmatched in our borders for splendid eloquence, parliamentary skill and loftiness of character. He succeeded Mr. Filmore, as President of the United States Senate, and in that

*Adjutant General's Report.

body, on points of order, his opinions were almost as authoritative as Jefferson's Manual.* On the 4th Monday of September, His Honor, John M. Dick, opened his last court at Winton. Though ailing, the faithful and upright old man cleared off his docket, and went as a visitor, with Abraham Riddick to his beautiful country seat in Manney's Neck. There, October 16th, 1861, his long and conscientious discharge of public duty found its conclusion, and he sank to his rest.† There have been greater, but few more irreproachable, public men in all our history.

Upon the secession of Virginia, April 17th, 1861, the Confederate Government had removed from Montgomery, Alabama, to Richmond, Virginia. The Old Dominion was to become the great battle field, and to its devoted borders were sent as fast as assembled, almost the whole available force recruited in North Carolina. Colonel Junius Daniel, commanding Fourteenth North Carolina Volunteers, Colonel William D. Pender, with the Thirteenth Regiment North Carolina State Troops, were at Suffolk. Both of these officers had been in the United States army. Colonel Solomon Williams, with the Twelfth Regiment North Carolina Volunteers, also lately in the United States service, was at Sewell's Point, near Norfolk. That city, with its navy-yard and munitions, was commanded by General Benjamin Huger of South Carolina, who had lately resigned as Major of Ordnance in the Federal service. The First North Carolina Cavalry, Colonel Robert Ransom, and a greater portion of our infantry regiments, were at and around Manassas Junction.

Five companies of the Seventeenth North Carolina Regiment, under Colonel Martin, were first carried to Fort Columbus, in New York harbor. That work thus converted into a prison, was commanded by Colonel Loomis. He was an ancient martinet with a soul too narrow for charity, and he treated Messrs. Mason and Slidell, and the Confederate officers under his charge, as if they were delinquent school boys or so many penitentiary convicts. Not so with the citizens of New York. Abundant sympathy

*North Carolina Manual, page 15.

†Dr. Wheeler's Diary.

and kindness were manifested on their part, to the chagrin of Colonel Loomis and the United States Government. This resulted in their transfer to Fort Warren. The Bostonians were not officious in their kindness, but, in the forbearance and generosity of Colonel Dimick, there was abundant compensation in the transfer. January 15th, brought the welcome tidings of exchange and liberation.

Colonel A. R. Wright of Georgia, was superceded and removed from the command of Roanoke Island. His regiment was replaced by a portion of the command of General Henry A. Wise of Virginia. The ex-Governor was sick at Nag's Head, and took no part in the defence of the Island. Colonel H. M. Shaw, with his own regiment, and the Thirty-first, under Colonel Jordan, together with a small force of Virginians, led by the gallant Captain O. Jennings Wise, constituted the available force to meet the attack of General Burnside. President Davis well knew that the place was utterly untenable, and thus limited the number of its defenders. Croatan Sound, leading past the Island, is two miles wide, and the invaders might easily have removed the obstructions and sailed into the Albemarle, had they so minded. A battery, Fort Bartow, stood on the western shore of the Island. Others had been built with a view of protecting the obstructions west, the water on the east being too shallow for the passage of a fleet. On February 7th, the Federal armament moved up from Hatteras Inlet, and after a furious bombardment of the work nearest to them, they effected a landing. This necessitated a precipitate retreat to an intrenchment near the centre of the island, the flanks of which were protected by morasses that were reported and considered impassable. On the morning of the 8th, General Reno moved his columns to assail this position. Time and again they were driven back with loss. Captain Wise, while bravely serving the few Confederate field guns, was slain at his post. Federal pluck and persistence discovered that they could cross the quagmire, and soon blue-coated thousands were seen massed on the Confederate right. All resistance was now hopeless. Colonel Shaw and his command laid

down their arms and became prisoners of war. He had done his best, and none could do more. If, in the progress of the war, he became a more skillful soldier, he waxed no braver with stricken fields, for in the whole Confederate army, on that disastrous 8th of February, there was no more valiant soul than that of Henry M. Shaw.

General Burnside had landed between ten and fifteen thousand men, under General Reno. Colonel Shaw, after manning the batteries, had but a thousand left to defend the main intrenchment. Twenty-two gunboats, heavily armed with Parrot guns, confronted six small merchant steamers, under the command of Commodore W. F. Lynch. The *Curlew* was sunk by a single shell, but her consorts bravely held their own until forced to retire for want of ammunition. The Confederate loss, in killed and wounded, was one hundred. Two thousand were taken prisoners.* Under the cartel recently agreed upon, they were all paroled in a few days, and speedily exchanged. President Davis and J. P. Benjamin, then Secretary of War, were much blamed for this disaster, and a committee of Congress censured the great Louisiana lawyer and statesman for the inadequacy of his preparations at Roanoke Island.† But this was all wrong. Something had to be done to protect and satisfy the people of North Carolina. Ten thousand men, by superior naval force, could have been isolated and starved into subjection, and quite enough men were subjected to capture, in view of the impossibility of holding any island then in reach of the United States fleets. Mr. Davis deserved no reproach, except for his hasty and ungenerous criticisms upon the gallant commander, whom he knew must surrender, and who afterwards died on the field of battle, still smarting under the sense of injustice done him by the President of the Confederate States.

It is impossible to convey an idea of the alarm and distress pervading the Albemarle region on the reception of the news from the coast. The Federal gun-boats were momentarily expected by

*Living and Dead.

†Parrish.

every one living near the water-courses. Lieutenant-Colonel W. T. Williams of Nash, with a battalion of six companies of infantry, with Nichols' Light Battery from Petersburg, Virginia, occupied Winton. On February 20th, 1862, three Federal steamers passed up the river and were fired upon by Colonel Williams' command. They fell back to Barfields, and having shelled Winton to their hearts' content, landed a party, who, upon approaching the village, found that every man, infantry and artillery, who was sent out for its protection, had most ingloriously fled in the direction of Murfreesboro. The ruthless invaders, after burning the court-house, on the plea that it was used as quarters for the troops, proceeded to apply the torch to the hotel and almost every private house in the village.*

This state of affairs produced a change in Eastern North Carolina. There was a speedy exodus of the free negroes to Roanoke Island, accompanied by a few obscure white men, who were either deserters from the Confederate army or fugitives from conscription. Many of these, known as "Buffaloes," became agents and spies of the enemy, and made frequent midnight visits to the slaves and disaffected whites, to procure recruits for the Federal army. By degrees these people became infamous and intolerable. They ran off slaves and plundered smoke-houses, until summary vengeance made their visits too full of peril to be often indulged in.

General Burnside's success at Roanoke Island, turned public attention to the city of New-Bern, as the object of his next attack. It stands upon the point of land made by the confluence of Neuse and Trent Rivers. It was next to Wilmington in importance, and is susceptible of easy defence. General Gatling, an old man who had seen service, but was never fitted for important command, sat in his headquarters at Goldsboro and committed to General Branch the duty of putting New-Bern into a posture of defence. He had never set a squadron in the field. Fine natural abilities and energy of character, had given General

*Dr. Wheeler's Diary.

Branch that political station which procured for him his military position. He had at his disposal the Seventh Regiment, under Colonel Reuben P. Campbell, the Twenty-ninth, Colonel Z. B. Vance, the Thirty-fifth, Colonel Sinclair, the Twenty-seventh, Colonel Sloan, the Second North Carolina Cavalry, Colonel S. B. Spruill, Latham's Light Battery, Brem's Battery and a small militia force. There were, on the right bank of the Neuse, below its junction with the Trent, several heavy batteries, commanded by Colonel Thomas M. Crossan of Warren, an ex-Lieutenant of the United States Navy. He and Colonel Campbell were experienced and efficient officers. Fort Thompson was the strongest of the works on the river, and between this and the Weathersby road, beyond the railway, were field works. Along this line of defence, General Branch, on March 14th, 1862, drew up his forces to resist the fifteen thousand men just landed by General Burnside from his transports. The battle began at 7 o'clock A. M., between the river and the railroad, and gradually extended to the right as far as the position occupied by Colonel Vance's regiment. The extreme right was held by Companies A and E of Spruill's cavalry, while six companies of the same command were held in reserve. A single volley from the dismounted cavalymen repelled an attack on the right, that flank being protected by a large and impassable swamp. The left wing of the Twenty-sixth Regiment, and the other regiments next to the river were heavily engaged. The enemy was held in check until 12 o'clock, when the militia regiment gave way and General Branch ordered a retreat.* Neither he nor his troops gained any glory in this contest, but it was the last of those unfortunate occurrences so common in Confederate collisions with the enemy's gun-boats. Our raw troops seemed demoralized in their presence, and batteries which might have easily crippled them were apt to retire on their approach.*

Colonel Vance's regiment, though strongly pressed, maintained their ground, and, with the two cavalry companies on his right,

*Living and Dead.

were the last to leave the field. Both bridges across Trent having been burned, he and his regiment were all supposed to have been captured, until on the day after the battle, he marched into Kinston with colors flying, preceded by his band playing "Dixie." He had made a wide *detour* by Brice's Creek and Polloksville. He crossed above Trenton and came in by the Trent road. Less than four thousand Confederates, for four hours and a half, had maintained the unequal struggle with four times their number. Seventy were killed and wounded, and two hundred taken prisoners.*

The Confederates retreated to Kinston, where they were speedily re-inforced by troops that should have been sent a month earlier, and thus averted the fall of New-Bern. The government at Richmond did well in not risking much on Roanoke Island. They manifested the most astonishing indifference and neglect as to New-Bern. The force that came to Kinston, under General Robert Ransom, could have saved the day on the unfortunate 14th. North Carolina was straining every nerve in a noble effort to contribute to the common defence, and a small portion of the troops she had in the field could have averted this last disaster, but in judicial blindness, until too late, she was refused the aid necessary to her defence.

Fort Macon, commanding Old Topsail Inlet and Beaufort Harbor, was at once invested, upon the fall of New-Bern. Colonel M. J. White was in command of the fortification, which was garrisoned by five companies belonging to the Tenth North Carolina Regiment. They were Company B, Captain H. T. Guion; Company F, Lieutenant D. Cogdell; Company G, Cap-

NOTE.—In 1864 Captain A. G. Moseley, with a single Whitworth, came suddenly upon five blockaders. They fired upon him and cut his swing traces. It was impossible to repair the damage under fire, or remove his piece with the wheel horses. Cool and undismayed he unlimbered, and, at five hundred yards distance, each of his terrible bolts entirely perforated the wooden ships. In less than twenty minutes all of the fleet were in full sail for the sea, and for miles received the deadly missiles he continued to hurl while they were in reach.

*Living and Dead.

tain R. H. Blount and Company A, Captain S. D. Pool. Fort Macon is an old-fashioned casemated work, with a brick citadel in the middle and ramparts defended by a glacis. On the morning of April 26th, Brigadier-General Parke of the Federal army, having completed his arrangements, opened fire from all his batteries, assisted by Commander Lockwood, commanding the fleet. The fort bravely replied until seventeen of its guns were disabled, eight men killed and twenty wounded. At 4 o'clock in the evening, a white flag was raised in the fort, and upon conference between General Burnside, Commander Lockwood and Colonel White, the post was surrendered.*

Mr. Lincoln had begun the war with the idea that Southern opposition would not last longer than three months. The men who fought under the Union colors at the battle of Manassas had been enlisted for that term. With the advent of 1862, the leaders on both sides discovered that only a gigantic and exhausting struggle could settle the great issues submitted to the stern arbitrament of arms. The men hovering within sight of Washington had already shown that they possessed qualities which would render their subjection a difficult and prolonged task. The majestic capacity of Robert E. Lee had not then been demonstrated, but in the strategy of Joseph E. Johnston, the intelligence of McClellan had recognized an antagonist formidable in all the changing aspects of war.

In North Carolina the rush to arms was still unabated. Regiments, generally numbering a full thousand men, were still organizing and passing to the front. All classes and conditions of men at all suited to military requirements, were tendering their service, until a white population of six hundred and twenty-nine thousand had put an army of eighty-nine thousand three hundred and forty-four volunteers in the field. This estimate does not include the thirty thousand conscripts raised under act of the Confederate Congress.

*Colonel White's Report.

By this time, General Joseph E. Johnston had withdrawn from Manassas, and was confronting the army under General McClellan at Yorktown. After this great removal, the Confederate General again changed his plans, and giving up the defences constructed by General Magruder, with them, as a necessary consequence, Norfolk and the fleet of Admiral Buchanan. He began his retreat for Richmond, May 4th. On the next day he turned upon the pursuing enemy at Williamsburg, and convinced McClellan that he was in no hurry to reach the intrenchments surrounding the Southern Capital. Major-General Longstreet, commanding the rear division, received orders to halt his command, numbering ten thousand men, and engage the enemy. He was eminently fitted for such work. While deficient in strategy and those rare qualities which enabled Stonewall Jackson to select his own field, when the enemy was before him, like Marshal Ney, Longstreet was a consummate master of the whole science of attack and defence. Forming his line of battle near the ancient Virginia Capital, he calmly repulsed the repeated attacks of the enemy, and at nightfall withdrew, unmolested, from the position he had so nobly held. Like Wellington at Busaco, General Johnston won safety by his boldness, but at a fearful cost to one of the North Carolina regiments.* In the

NOTE.—Colonel McRae in the August number, 1879, of *Southern Historical Papers* says:

In order to a proper apprehension of the situation, the reader must imagine four regiments, constituting Early's brigade, in line of battle, facing east, in the following order, counting from its left: The Twenty-fourth Virginia, Colonel Terry; the Thirtieth Virginia, Colonel Whittle; the Twenty-third North Carolina, Colonel John F. Hoke—the Fifth North Carolina being on the right. Fronting the brigade was a strip of wood of about two hundred yards' width; beyond which was a level open field, in shape of a parallelogram, about half a mile wide, running north about a mile and a half to a fort or redoubt, the extreme left of a line of works to the left of Fort Magruder—this last named work being at the skirt of this field and to the southeast of Early's brigade when formed as above described. There were two redoubts between Fort Magruder and the extreme left fort above mentioned. One of these—the nearer to this left redoubt—was advanced out into the field towards the east. In this were the two companies of Colonel Bratton's regiment. The

progress of the battle two lunettes were occupied by the Federal troops, from which a destructive artillery fire was experienced. Colonel Duncan K. McRae, with the Fifth North Carolina, with courage that has never been surpassed, charged across the field, full in the face of the enemy, and with the loss of three-fourths of his command, executed the bloody mandate of a superior officer. Nearly every officer of the regiment was disabled in the charge. Colonel McRae and Major Sinclair were wounded. Lieutenant-Colonel John C. Badham was killed on the field.

other was to the west and rear of this, on the western skirt of this parallelogram, which ran north and south.

When the brigade was thus in line, General Hill made a short address to the command, informing it that a battery of the enemy was in the front beyond the woods, which was annoying Fort Magruder by a flank fire—and about Fort Magruder the main fighting was going on—and he desired the brigade to attack this battery and capture it, instructing the men to use the bayonet as the most efficacious mode of attack. The brigade was put in motion—thus the line of battle—through this strip of woods, and when near the opening the Twenty-fourth Virginia—with which General Early was—came upon the enemy, who had penetrated to *the* (our) left of the redoubt then occupied by Colonel Bratton and towards its rear. This regiment engaged the enemy promptly and drove him beyond this redoubt; but it did not push the advantage, because the force in its front was too heavy, and its loss was already severe—General Early being among the first wounded, as also Colonel Terry and Lieutenant-Colonel Hairston. The regiment next to it, the Thirty-eighth Virginia, and that next to it, Twenty-third North Carolina, were for some reason—which has never been given satisfactorily by General Hill or any one—halted in the woods, quite near to the field, and were never brought upon the field. Colonel Whittle—who afterwards, I believe, perished in battle, and of whom I have no reproach to utter—did once make some explanation as to his regiment, but I confess I did not think it satisfactory. Why the Twenty-third was not advanced, no reason has ever been given to the public that I have ever heard. The Fifth North Carolina, being on the right, pushed forward to the field and found no battery or enemy in front; but immediately on emerging from the woods a shot from a battery on the left passed over it, and the fire of musketry showed a fight to be going on about where our left should come out of the woods, nearer to us than the battery from which the shot came, and near to a redoubt on the edge of a field. The regiment was immediately, by change of front, faced towards the battery and towards the musketry, and was put rapidly in motion; but finding that the regiment had been separated from the Twenty-third North Carolina, and that it had not come out, I dispatched Major Sinclair to tell General Hill—who I supposed would be in the woods where

This charge by the Fifth Regiment was as bloody and fatal as any seen in the war, and foreshadowed that quiet submission to duty and unquestioning fortitude, which soon made North Carolinians favorite soldiers with all our great commanders.

In the progress of the war many sons of our State had risen to positions of great prominence. General Braxton Bragg had been in command of the army at Pensacola, and upon the death of General A. S. Johnston, at Shiloh, was soon to succeed Beauregard in command of the Western army. General Benjamin

the centre of the line might be—of this battery on our left and of the fight going on, and to inquire of him if that was the battery he desired us to assail. I also requested Major Sinclair to say to General Hill that we were in open ground and the work would be stiff, and to urge him to expedite the advance of the two regiments, for I had the idea, from reading Jomini and such like, that the more force we had in a fight the better chance we would have of success. Major Sinclair found General Hill, with the two regiments—the Twenty-third North Carolina and Thirty-eighth Virginia—in the woods on my left-front, not far from the field, and they remained there, facing my flank as I advanced beyond them. General Hill sent me an order by Major Sinclair “to move on the battery rapidly and use only the bayonet.” The regiment was advancing at double-quick, and I soon met Captain Samuel Early, of General Early’s staff, with orders to me from General Early to inform me that he had been wounded, and urging me to advance rapidly, and that the command of the brigade had devolved on me. The command lost no time; and as we were approaching the two redoubts, with space to pass between them, inasmuch as General Hill had informed us that they were occupied by South Carolina troops, Lieutenant-Colonel Badham, on the right of the regiment, at my request, rode forward to communicate to the officer in charge who we were, and that he did so I am sure, for the men in that redoubt cheered the regiment lustily as we passed. About this time the enemy’s line opened fire upon us, but almost at once became discomposed by our advance, and soon broke into retreat; and what seemed to be one regiment, immediately in our front, was thrown into confusion, which increased until it ran into the extreme left redoubt. While the regiment was passing the first redoubt, I left its line for a few minutes to put myself in command of the Twenty-fourth Virginia. I rallied some of its men who were around the redoubt, spoken of by Colonel Bratton as that in which he was, and finding the Twenty-fourth prepared, I ordered its advance at the same time—a part of the enemy’s line being in some woods in front of it, beyond a narrow field which opened at right angles with the parallelogram I have before spoken of. While all this was going on, I felt much concern because the two remaining regiments of the brigade put in no appearance. I saw that the enemy was disconcerted, and, if pressed with

McCulloh of Texas, had been slain at the battle of Elkhorn. He was born in Halifax, North Carolina, and was the grandson of a man of the same name who was prominent in that county, and was cotemporary with his cousin, Henry Eustace McCulloh. From Halifax, also, had gone the gallant and gifted General F. K. Zollicoffer, who fell about the same time in Kentucky. He had won distinction as a member of the United States Congress and was universally beloved and admired. Leonidas Polk, Bishop of Louisiana, was also a Major-General and holding an

sufficient force, might be routed ; but I saw also the hazard of advancing with so small a force against a superior enemy, with one regiment occupying a redoubt and supported by a formidable battery ; for although the body of troops which ran into the redoubt was in confusion, and the others of what seemed to be from the flags three other regiments retreated to the rear of it, yet the battery had been retired *en echelon* with great precision, and there was no such manifest disorder as would justify storming the redoubt. So I hurried my Adjutant to General Hill, with substantially these instructions : "I am pushing the enemy rapidly. He is in confusion. Some of his troops have moved into a redoubt in seeming disorder. The battery is in full view, and is under my fire. But he has a large force outside the works supporting, and I am too weak to go forward alone, and retreat is impossible without great loss. If he will throw out the two regiments to support me, I can capture the redoubt, and perhaps the battery. Tell him by all means to support me and not to order me to retreat." At this time the Fifth North Carolina had reached the fence about seventy-five yards from the redoubt ; and as the enemy had ceased firing, I ordered a halt under cover of the fence—the Twenty-fourth Virginia being at this time in front of the woods. My Adjutant found General Hill with the two regiments in the woods near the opening, and delivered my message ; when General Hill said : "Boys, do you hear that ? Let us go to Colonel McRae's relief." But in a moment after he said : "No ; go and tell him to draw off his men as he best can." My Adjutant returned in a very few moments, but he was delayed a little in delivering to me the order, as his horse took fright and dashed for the enemy's line, and he had to spring off to escape being carried in. It is a singular fact that the horse did run full into the enemy's lines, and then back again into ours. All this occurred within a very short interval, and during it the enemy had wholly ceased firing. I heard the order given in the redoubt to cease firing, and the appearances indicated there might be a feint to draw me on ; but this did not stop the advance. I felt satisfied that disabled as the Twenty-fourth Virginia was, and disproportioned in numbers as my whole force was, that it would not do to storm the redoubt, supported, as it was, by the battery and three outside regiments ; but at the same time I had advanced into the dilemma under orders, and confidently expecting to be sup-

important command in Kentucky. Having been educated at Chapel Hill and the United States Military Academy, and being possessed of military abilities, like many other devoted Southern clergymen, he felt it his duty to aid in the defence of his country, and subsequently sealed his faith with his blood. Major-General Loring, a nephew of Thomas Loring, so well known in North Carolina as an editor, was also a son of this State and was in command of a division in General T. J. Jackson's army. So, too, were Generals Gabriel and George Rains. They were the sons of a worthy cabinet maker of New-Bern. General Holmes,

ported by the two regiments (especially as the enemy had constantly given back) which had embarked in the attack, and I was not willing to retreat without completing the effort to capture the battery. If I had known that two companies of Colonel Bratton's had joined the Fifth North Carolina in the charge, and that the remainder of his regiment was in the gap between the Fifth and Twenty-fourth, I don't know but I should have pushed forward to the redoubt; but neither I, nor any officer or soldier of my command, as far as I have ever heard, were aware of any such thing; and I ought to have known it, for I rode over the field while exchanging communications with General Hill, unmolested, except by one single discharge of grape-shot from a piece of artillery. As I had foreseen, the retreat was the signal for slaughter. As Colonel Bratton says, the regiment was demolished—"the enemy concentrating their overwhelming volleys upon it, as it came off through the open field"; and it is poor consolation now to find out that besides it and the Twenty-fourth Virginia, that the Sixth South Carolina was also "*used up*."

There is no doubt the brigade of General Hancock was in our hands. Besides the two regiments of Early's brigade, which were not called on to do any work, and Colonel Bratton's regiment, in immediate presence of the disaster, General Hill had two brigades—Rhodes' and Rains'—in easy reach, and Hancock was out of reach of support. He could easily have been taken in flank while the Fifth North Carolina was in his front. Napoleon, with the same opportunity, would have made short work of it.

For myself I make no claim to military renown on the occasion referred to. I moved without discretion, under orders of superior officers—no suggestion made by me was acted on by General Hill—and both of these officers have long since exonerated me from responsibility, and *both of them were* afterwards promoted. So I take for granted that the result which happened was contemplated for some wise purpose, and that I was only an instrument with which to consummate a military necessity, about which it was not requisite I should be informed. It is very certain that if a sacrifice was needed for the cause, the lot could not have fallen more appropriately than on the brave and faithful men and officers of the Fifth North Carolina regiment who fell upon that field.

then in command of a division in the Army of Northern Virginia, and C. M. Wilcox, were sons of this State. Generals D. H. Hill and W. H. C. Whiting, also division commanders, were North Carolinians by adoption and marriage. Governor Clark and Adjutant-General Martin were still laboriously and effectively engaged in organizing and sending forward troops. North Carolina had committed her whole heart to the Southern cause, and shrank not from bloodshed and disaster, however thickly they might come. That fair eastern country from which so large a portion of the supplies for the main army in Virginia was to be drawn, was in the enemy's possession; but still patriotism and manhood nerved their arms in the contest with the invaders. The Legislature of North Carolina elected, as Confederate States Senators, George Davis of New Hanover and William T. Dortch of Goldsboro. The Congressmen of the Lower House were W. N. H. Smith of Hertford, R. R. Bridgers of Edgecombe, Owen R. Kenan of Duplin, T. D. McDowell of Columbus, A. H. Arrington of Nash, J. R. McLean of Guilford, Thomas S. Ashe of Anson, William Lander of Lincoln, Burgess S. Gaither of Burke and A. T. Davidson of the Mountain District.

CHAPTER VI.

A. D. 1862 TO 1863.

Battles in the Valley of Virginia—McClellan moves upon Richmond—Battle of Seven Pines—Affair on Tranter's Creek—General Branch and Fitz John Porter at Kinney's Farm—Anderson's and Pender's brigades—Concentration of Confederate troops at Richmond—Battle of Ellison's Mill—Gaines' Mill—North Carolina losses—Malvern Hill and escape of McClellan's army—North Carolina force engaged in the seven days fighting—General Lee—Affairs in North Carolina—The affair at South Mills—Colonel Vance elected Governor—Assembly of 1862—Giles Mebane and R. B. Gilliam Speakers—Gilliam and Kerr Judges—Garrett and Warren—Changes in the Governor's staff—General Martin takes the field—Dr. Warren Surgeon-General—Battles of Cedar Mountain and Manassas—Ox Hill, Boonesboro and Harper's Ferry—Battle of Sharpsburg—North Carolina losses—Generals Branch and Anderson, and Colonel Tew—Slaughter of the Federal troops at Shepherdstown—Messrs. Davis and Dortch Confederate States Senators—W. N. H. Smith—Battle of Fredericksburg—The Goldsboro campaign in North Carolina—General Foster retreats—Confederates attack Plymouth—Yellow fever in Wilmington—Deaths of Rev. J. L. Pritchard and others—Patriotism of the people—General Whiting—The Steamer *Ad-Vance*—State aid to the soldiers—Condition of affairs—Conscription—Military organization—Battle of Chancellorsville—Fall of General Jackson—North Carolina losses—The "Buffaloes"—Affair at Hill's Bridge and Boone's Mill—General W. D. Pender—General Lee resumes the offensive—Capture of Winchester—Battle of Gettysburg—North Carolina losses.

After the battle at Williamsburg, General Johnston withdrew unmolested, and occupied those splendid defences with which the genius of General Robert E. Lee had encompassed Richmond. A series of great batteries within a short distance of the city were receiving the heavy guns useful in a siege, but the Southern army was in camp miles beyond these, and awaiting the onset of McClellan and his soldiers. In the Valley of Virginia, General Jackson, with sixteen thousand men, had made for himself an immortal name, and had come out victorious from difficulties which only his genius, or that of a Napoleon or Prussian Frederick,

could have surmounted. In all his multiplied contests with the different armies of General Banks, McDowell, Fremont and Milroy, after incredible marches and repeated battles, his dauntless army was still intact. The Twenty-first North Carolina Regiment, Colonel W. W. Kirkland, opened the battle of Winchester, where General Banks made his last stand, and suffered severely until supported by the Twenty-first Georgia, when the enemy gave way and continued his tumultuous flight. The spell of terror which had fallen on Southern troops in their contests with the Federal Navy, was broken May 15th, at Drewry's Bluff. Commodore Rogers, with the famous *Monitor*, and four other gun-boats, was within eight miles of Richmond, but after a four hours' contest, was beaten in an encounter by a hastily constructed land battery, surmounted by a few guns.*

General McClellan, with one hundred and five thousand men, was encamped on both sides of the Chickahominy, when, on May 26th, all of the Federal pontoon bridges being reported destroyed, General Johnston determined to attack the army corps of General Casey, with the idea that supports would be unable to come to its relief. At 2 o'clock P. M., General D. H. Hill moved to the assault, and was aided by General Longstreet and others. General Casey was driven headlong from his camp at Seven Pines, until re-inforced by the corps of Heintzelman and others. The enemy rallied, and for seven hours the continuous roar of musketry and artillery on the same ground made this one of the hardest fought and bloodiest battles of the whole war. General Johnston himself was wounded, and the loss of his army was fully five thousand men. Colonel George B. Anderson, Fourth North Carolina State Troops, commanding Featherston's brigade, lost from his own regiment four hundred and sixty-two out of five hundred and twenty men; and of twenty-seven officers, all but three were killed or wounded.† In this severe contest the Confederates gained nothing but applause for their valor on the

*Holmes, page 284.

†Governor Vance's White Sulphur Springs Address.

field. General Johnston being disabled, General Gustavus W. Smith, next in rank on the field, succeeded to the command, but was replaced the next morning by General Robert Edmund Lee, who withdrew the army and ended the contest.

On June 5th, 1862, Colonel George Badger Singeltary, with his regiment (Forty-fourth North Carolina), encountered a force of the enemy, and was slain in the skirmish which ensued across Tranter's Creek, near the town of Washington, in Beaufort county. Our troops were without artillery, and upon the fall of their commander, were forced by the guns of the foe to retire from the conflict.*

General L. O'B. Branch, with his brigade, then consisting of the Seventh North Carolina, Colonel Campbell; the Eighteenth North Carolina, Colonel Cowan; the Twenty-eighth North Carolina, Colonel Lane; the Thirty-third North Carolina, Colonel Avery, and the Thirty-seventh North Carolina, Colonel Lee, was at this time at Hanover Court House, near which, with four of his regiments, he was attacked by overpowering numbers under General Fitz John Porter, and after a most stubborn and gallant defence, was compelled to retire. Colonel James H. Lane of the Twenty-eighth, was simultaneously engaged near by, at Kinney's Farm. General Branch and his command gained applause by the effectiveness of their defence, and showed that the brigade was worthy of a place in the Army of Northern Virginia. Colonel G. B. Anderson, for gallantry at Seven Pines, was promoted, and the brigade assigned him consisted wholly of North Carolina troops. It contained the Second Regiment, Colonel Tew; the Fourth, Colonel Young; Twelfth, Colonel Daniel, and Twentieth, Colonel T. F. Toon. Colonel William D. Pender of the

*NOTE.—Colonel Singeltary was the oldest son of an Episcopal clergyman, and was prominent in legal and social circles. He had married the beautiful Cora Manly, eldest daughter of Governor Manly, who had equal charms of soul and person. He was succeeded in command of the regiment by his younger brother.†

†Our Living and Dead.

Sixth, was also promoted, June 14th, and the Thirty-eighth North Carolina, Colonel Hoke; the Thirty-fourth, Colonel Riddick; the Twenty-third, Colonel Connor, and the Sixteenth, Colonel McElroy, were assigned him as a brigade. The First North Carolina, Colonel Stokes, and the Third, Colonel Meares, with the Forty-fourth Georgia, and another regiment, constituted General Ripley's brigade. The brigades of Pender and Branch, with those of J. R. Anderson, Gregg and Field, made up the "Light Division," commanded by Major-General A. P. Hill, and mustered at this time fourteen thousand muskets.

Norfolk had been abandoned May 10th, and General Huger went with all his force to re-inforce General Lee. So, too, with General T. H. Holmes, who had been in command at Goldsboro, North Carolina. McClellan's right flank rested at Ellison's Mill, a half mile in front of Mechanicsville, a little hamlet seven miles north of Richmond. The Federal commander having made a show of resuming offensive operations June 25th, General Lee, the next day, with the divisions of A. P. and D. H. Hill, moved to the attack of the enemy's right flank. The battle at Ellison's Mill began in the afternoon. General Pender was the first to begin the assault, but after losing heavily, was succeeded at nightfall by Ripley's brigade. The First North Carolina and Forty-fourth Georgia charged across the field and to the foot of the hill; but all to no purpose. Their dead lay in heaps, while the foe, in the security of their double line of rifle pits and artillery higher up the hill, poured destruction on brave men who could only reach them by means of a narrow mill-dam. It was a costly and useless sacrifice, for early the next morning our troops crossed above the mill-pond, and the Federal forces seeing their position turned, betook themselves to hasty flight.*

Hundreds of North Carolinians and Georgians lay dead upon the field. Both Colonel Stokes of the First North Carolina, and Colonel Smith of the Forty-fourth Georgia, lost their lives on the occasion. Colonel Stokes was the son of that Governor of our

*General D. H. Hill's Report.

State whose name he bore. His father was celebrated for his humor, but this gallant soldier was noted for his gravity. He had survived, as Major of the North Carolina regiment in Mexico, all the dangers of a previous war, but fell in this, the first battle he saw in the terrible strife between the States. Lieutenant-Colonel McDowell was wounded, and the town of Edenton was again sorely bereaved, for both Major T. L. Skinner and Captain John A. Benbury were numbered among the dead. General Pender and two of his Colonels were wounded. They were McElroy of the Sixteenth and Connor of the Twenty-third North Carolina.*

Upon abandoning their position, the Federal troops retired to Gaines' Mill, four miles in the rear. There, on the evening of the 27th, occurred a great battle. General Lee had been waiting for hours for General Jackson to attack on the Federal right. Longstreet and A. P. Hill moved to the assault at 2 o'clock p. m. The great commander would wait no longer for the redoubtable Stonewall. For miles along the curved line, beginning at the point where the hills arise from the valley of the Chickahominy, through woods and fields, around to Cold Harbor, the deadly onset was met by men who seemed determined to fly no further. After hours of furious combat, the heavy lines of the enemy still bravely held their own, until the roar of Jackson's guns fell upon their startled ears. It was an ominous and appalling surprise, for that was their first intimation that this officer had quitted his lair in the Valley and was on hand for their destruction. General Jackson's division came into action on the left of Longstreet, already engaged, while D. H. Hill, with four brigades, being on the extreme Confederate left, was charged with the duty of assailing the Federal right. After great difficulty in forcing his way through a swamp, seeing the brigades of Lawton and Winder of Jackson's command engaging the enemy in the front, he agreed to Generals Garland and Anderson's proposal to take them in flank. Before this could be done without great loss, a battery

*General A. P. Hill's Report.

which enfiladed the line of attack, had to be taken. The Twentieth North Carolina, Colonel Iverson; the Third, Colonel Meares, and First, then under Captain Brown, were ordered to attack it in front. Iverson fell wounded. Lieutenant-Colonel F. J. Faison led the regiment and took the battery, but was killed and his men forced back. But the gallant Twentieth and the lamented Faison, at fearful cost, had stopped the fire, while Garland and Anderson succeeded in crushing the right wing of the enemy, which resulted in the immediate loss of the battle by the Federals.* The slaughter of the Confederates was most fearfully expiated, especially in General McCall's division of New York Fire Zuaves and Pennsylvania Bucktails. At 7 o'clock P. M., General Lee in person, knowing that Jackson had joined battle, ordered a general advance and the enemy gave way at all points.

This great victory was gained at fearful cost to North Carolina. Branch's brigade alone lost 750 men, and again there were noble spirits to mourn among the dead. Colonel Reuben P. Campbell of the Seventh, who was named by his commander as "bravest of the brave," and Colonel C. C. Lee of the Thirty-seventh, both experienced and valuable officers, were among the slain, while Colonels J. F. Hoke, Riddick, Lane and Cowan, with General Pender, were numbered among the wounded, as were Majors Cole and Shotwell. These were North Carolina losses in A. P. Hill's division alone.

General McClellan's great, beleaguering army was thus driven from its positions on the right bank of Chickahominy, and its right wing doubled up and thrust upon the left. Magruder, Huger and Holmes, with other divisions, were confronting the fugitives at Fair Oaks and beyond, and it was confidently expected that all escape of the Federal army would be cut off by them. Huger was too slow.* McClellan reached Malvern Hill and, after inflicting and sustaining terrible loss, found shelter in the presence of the fleet; and thus closed the seven days of battle

*General D. H. Hill's Report.

before Richmond. Ninety-two regiments constituted the divisions of D. H. and A. P. Hill, Longstreet and Jackson: of these, forty-six were from North Carolina. Our regiments were notoriously larger than those of any other State, so it may be safely asserted that more than half of the men engaged in driving McClellan from the field, were sons of the Old North State.*

About July 1st the struggle had ceased around Richmond. The Grand Army of the Potomac shrank, cowering under the protection of the gun-boats at Harrison's Landing, and all fear of harm from that quarter was over. The troops of North Carolina suffered heavily at Malvern Hill, where among many others, Colonel Gaston Meares of the Third Regiment, was slain and two hundred of his command disabled. Joy and exultation, surpassing that which followed the first battle of Manassas, pervaded the South. The hearts of the people went out in love and confidence to General Lee, whose fame for all time was at last assured. He had been tendered the supreme command of the armies of the United States previous to his resignation, and even after he had ceased to be an officer in the Federal army the older Francis P. Blair, as the agent of Mr. Lincoln, followed him to Richmond with renewed tenders of the place then held by General Winfield Scott; who offered to resign in case General Lee returned. Though he had been educated at West Point, and was the idol of the Federal army, he persisted in his determination. Appreciation of his magnanimous unselfishness was heightened when it was known that he had little hope of successful Southern resistance.

In North Carolina military operations after the fall of New-Bern were almost entirely suspended. A small force at Kinston and another at Rainbow Bend, on Roanoke River, watched the Federal garrisons at Plymouth and the city on the Neuse. William Lamb of Norfolk, Virginia, was elected Colonel of the Thirty-sixth North Carolina Regiment, and assumed command at Federal Point, where he began his great labors in the con-

*Governor Vance's White Sulphur Address.

struction of Fort Fisher. It was named in honor of him who died at Manassas, and it was to become famous in the progress of the war. Just previous to the evacuation of Norfolk, Colonel A. R. Wright of the Third Georgia Regiment, was stationed at South Mills, on the Dismal Swamp Canal. He was approached from Elizabeth City by a regiment of the United States troops, and had engaged them, when Colonel D. D. Ferebee, with the Camden militia, by chance, heard the firing and came upon the field. The effect of his approach was prodigious. The Federals recognized his force and fled, while Colonel Wright, mistaking him for a re-inforcement of the Federals, betook himself with similar precipitation in the direction of Norfolk. Colonel Ferebee soon assumed command of the Fourth North Carolina Cavalry, and, with Colonel P. C. Evans, Fifth North Carolina Cavalry, constituted a brigade under General Beverly Robertson, who had just previously led the force that had grown famous under the lamented General Ashby.

At the August election, Colonel Zebulon B. Vance was chosen by the people as Governor of North Carolina, and under an ordinance of the Convention, he entered upon the exercise of his duties September 8th, instead of waiting until January 1st, 1863, at which time the term for which Governor Ellis had been elected would have regularly expired. Governor Vance was opposed for this high office by Colonel William Johnson of Charlotte. He had been known only in commercial circles and was without political record. His financial reputation as a bank president led the Democrats to select him as their candidate. No man could have exceeded Governor Vance in the wisdom and effectiveness of his rule as Chief-Magistrate. Not even Oliver P. Morton, in Indiana, was more strenuous and loyal to what he felt was his duty, than was Governor Vance in ministering to the wants of North Carolina and the Confederate States. The Legislature met, as usual, in November, with Giles Mebane of Alamance,* as President of the Senate and Robert B. Gilliam of

*NOTE.—Giles Mebane was the son of James Mebane of Orange, who was Speaker of the House of Commons in 1821.

Granville, Speaker of the House, until his election as Judge of the Superior Court, along with John Kerr of Caswell, when N. N. Fleming succeeded to the chair. Among the new members of this Legislature were Thomas M. Garrett, Senator from Bertie, and E. J. Warren in the same body from Beaufort. The former was at this time Major of the Fifth North Carolina and hand recovered from the wound received at Williamsburg. Judge Warren was a Northern man, and was greatly respected as a lawyer at the Washington bar.*

Upon the accession of Governor Vance, there were changes in the military as well as civil government of North Carolina. Daniel G. Fowle, late Lieutenant-Colonel of the Thirty-first Regiment, became Adjutant-General in the place of General James G. Martin. The latter went into the field and assumed command of the Forty-second Regiment, Colonel J. E. Brown; Seventeenth, Colonel W. F. Martin, and Sixty-sixth, Colonel A. D. Moore, as a brigade. Dr. Charles Earle Johnson was succeeded as Surgeon-General of the State by Dr. Edward Warren, who, like himself, was born and reared in Chowan. The Governor, at the suggestion of General Martin, sent Colonel T. M. Crossan to England to purchase a ship and perfect those commercial arrangements, which soon became of such incalculable benefit to the State and Confederacy.

After the overthrow of McClellan, Jackson soon returned to confront General Pope in the Valley. The only North Carolina troops that accompanied him, save the Twenty-first Regiment, were included in the brigades of Branch and Pender. They fell upon General Banks' right flank at Cedar Mountain, August 9th, and again the Massachusetts warrior came to grief. At one time, the day seemed doubtful, when the foe had well-nigh crushed General Garnet. Branch went gallantly to his rescue, and with Pender's and the other brigades of A. P. Hill's division, drove the enemy headlong from the field.† General Lee followed in the wake of his great Lieutenant, and confronting Pope with

*Journals.

†General Lane's Report.

Longstreet's corps, sent Jackson, by a wide circuit behind the mountains, to cut the Federal communications at Manassas. Never was the "Lion of the Valley" so entirely entitled to his *soubriquet* of "Stonewall" as on those days, August 28th and 29th, when with a single corps numbering less than sixteen thousand men, he was resisting the heavy masses of General Pope's entire army. The genius of a great commander was never more completely supplemented in the heroism of his troops. Fighting his way through the mountain passes, Longstreet at last came. His line of battle was soon formed and Jackson saved. It would seem that common prudence would have dictated the propriety of the Northern commander's retiring to the fortifications at Centreville. Though already repulsed by Jackson alone, on the third day he renewed the battle, and with the positions of the combatants reversed, the first victory of Manassas was repeated on almost the same ground.*

Like an avenging spirit General Jackson, the next day, fell upon the enemy at Ox Hill, and from that victory passed to his prey at Harper's Ferry. The Washington Government was frantic in its appeals for help, when it was known that Maryland was invaded and the Federal Capital itself threatened. General D. H. Hill did all at Boonesboro that skill and valor could effect against overwhelming numbers. As with Longstreet at second Manassas, time was needed for Jackson to hurry up from Harper's Ferry to that serene, yet anxious leader of them all, who was keeping his tryst on the banks of Antietam. The little German hamlet at Sharpsburg was to witness the greatest battle which had been yet fought on the American Continent. General Lee drew up his forces midway between the village and creek. The left wing, covered by Stuart's cavalry, extended to a point near the Potomac River. Here Jackson's two divisions of Ewell and Talliaferro were posted. Longstreet's corps formed the right, with the division of D. H. Hill occupying the space between him and Jackson.† After a cannonade from hundreds of guns, in

*Holmes, page 287.

†Jackson's Report.

the twilight of the autumn evening, the enemy attacked a point to left of the centre, but desisted with the increasing darkness. On the morning of the 17th, McClellan, as if with all his guns, renewed the artillery attack of the day before. Soon forty thousand five hundred men were hurled upon Jackson. Two of his brigade commanders, General Lawton and Colonel Walker, were wounded, and two more, General Starke and Colonel Douglas, were dead on the field. It seemed that Stonewall must go down, when the division of McLaws and the brigade of Early enabled him to restore his lines. A similar attack, when Jackson seemed giving way, was made on Longstreet and D. H. Hill. In the wildest fury of the battle, General Robert Ransom and Colonel Edward Hall, commanding brigades, were of the highest service in sustaining the attack upon General Lee's left. In the temporary absence of his brother, Colonel M. W. Ransom of the Thirty-fifth North Carolina Troops not only repelled an assault, but in turn led a charge which so crushed the enemy in that portion of the field that no further attack was made in that quarter. Colonel John R. Cooke of the Twenty-seventh North Carolina Troops, likewise in the same division, gained high honor for the brilliant conduct of himself and regiment.* The final assault was made on Brigadier-General Toombs of Georgia, who, with a portion of his command, was holding the stone bridge across the Antietam. General Burnside having crossed below with a part of his command, Toombs' force was compelled to retreat, when, with thousands of those men who had won the victories at Roanoke Island and New-Bern, Burnside then fell upon Major-General D. R. Jones and so forced him to the rear, that imminent danger threatened General Lee's extreme right. At this terrible moment A. P. Hill, with his matchless division, arrived from Harper's Ferry, and, like veterans, as they were, they sprang to the rescue. Branch, Gregg and Archer in front, and Toombs on the flank, fell upon the ranks of the advancing

*General J. I. Walker's Report; Captain J. A. Graham's sketch of Twenty-seventh Regiment.

enemy. Under their steady onset, Burnside having lost Major-General Reno, saw his troops falter and break, and flee in headlong confusion to the hills beyond the creek. It is sad to relate that General Branch did not live to enjoy this overthrow of his New-Bern acquaintances. After redeeming his disaster there, and becoming famous for courage and military capacity, he died on the field in upholding a cause he so nobly illustrated.*

A dull and harmless cannonade closed in the day, and the two bleeding armies, gazing upon each other the next day—each awaited the expected attack. General Lee drew in a portion of D. H. Hill's lines a short distance for protection from artillery, but otherwise retained the position he had held at the beginning of the battle. Ninety thousand men of the North had assailed thirty-seven thousand Southerners.† They had failed to dislodge them, and suffered them quietly to withdraw beyond the Potomac. General Lee lost one-fourth of his army, and, in addition to those mentioned, North Carolina also mourned for General George B. Anderson, Colonel C. C. Tew, and a host of subaltern officers and privates whose campaigns were now all ended.‡

Mr. Lincoln's treatment of General McClellan after the battles around Richmond, had been cruel and unwarranted, but in the tactics of the Federal commander, immediately following the battle of Sharpsburg, there was much to justify displeasure in the

‡NOTE.—No battle of which there are accurate accounts ever demonstrated more sublime fortitude than was here exhibited by the Confederates. The great struggle, beginning at Cedar Run and then swelling into a grand battle of days at Groveton, repeated at Ox Hill, Boonesboro and South Mountain, had so thinned the ranks of Lee that when McClellan sent in, on the left, the three corps of Hooker, Mansfield and Sumner, numbering forty thousand men, but fourteen thousand Confederate muskets were available, and, thus fearfully outnumbered, the dauntless remnant of the Army of Northern Virginia yet maintained their ground and so shattered the assailants that they were rendered useless for further offensive movements, and two divisions of Franklin's troops were

*General Lane's Report.

†Holmes, page 287; Lieutenant-Colonel Venable, Acting Adjutant General.

Washington authorities. General Lee was suffered to move his entire army across the Potomac without molestation. During the night of the 19th, he learned that a large force of the enemy was crossing the river just above the position occupied by General J. N. Pendleton's artillery corps. All except a few of the guns were quietly withdrawn. These were left as a decoy while the divisions of A. P. Hill, D. H. Hill and Early were silently put in position to assail the pursuers at day-dawn. General McClellan supposed that any Confederate attack upon that portion of his army thus detached, could be resisted with the help of the many guns bearing across the river from the Maryland side. He was soon to see how vain was such a supposition. The enemy had just seized the decoy guns, when in front and on flank arose the terrible Confederate yells, and Shepherdstown witnessed not a battle but a massacre. The tragedy at Ball's Bluff was repeated on a grand scale, and the great river was almost dammed with disabled and drowning men. The furious Federal cannonade did not for a moment arrest the pursuit, for they were followed to the brink and slaughtered without mercy, in the water. Generals Pender and Lane, with their North Carolina brigades, were unable to withdraw until night, on account of the tremendous artillery fire sweeping all their lines of retreat; yet the whole Confederate loss amounted to but thirty killed and two hundred wounded.*

brought up to rescue the Federals from impending destruction by a Confederate advance. It was upon this flank, commanded by Lieutenant-General Jackson, that the direst blows were dealt. All day long, on the 17th, while not a regiment was in reserve, did these admirable troops hold their position against the tremendous attacks. The thin gray line was as a wall of adamant, against which the stubborn assailants were thrown but for slaughter. This Confederate force on the left, consisted of Jackson's two divisions, that of McLaws and the four brigades under Hood and Walker. The charges of Southern troops at Chancellorsville and Gettysburg were not such tests of consummate pluck and discipline, as that bloody and glorious 17th of September, along the courses of Antietam.

*General T. J. Jackson's Report.

In North Carolina, military movements had been limited to an ineffectual attack upon the Federal garrison of Washington, September 6th. The enemy was driven from the town, but the assailants after holding the place for three hours, withdrew from the fire of gun-boats, carrying out three captured pieces of artillery. There was also a contest, October 3rd, on Black Water River, just below Franklin, Virginia, between the forces under General Prior and three double-enders; in which the Federals gained no laurels and retreated down the river.

George Davis and W. T. Dortch were, at this time, the North Carolina Senators in the Confederate Congress. The members of the House of Representatives were W. N. H. Smith, R. R. Bridgers, O. R. Kenan, T. D. McDowell, A. H. Arrington, J. R. McLean, T. S. Ashe, William Lander, B. S. Gaither and A. T. Davidson.

General Lee rested his weary and war-worn army after their mighty summer campaign, first in the Valley around Winchester, and later across the Blue Ridge at Culpepper Court House. Burnside, the new Generalissimo, was suspected of designs on Fredericksburg, and General McLaws occupied the place. Major-General Robert Ransom, who had been recently promoted, was also, with his division, sent to the same quarter. Brigadier-General W. H. F. Lee, who included the First and Second North Carolina Cavalry Regiments in his command, was likewise ordered to the same point. Burnside rapidly accumulated one hundred and forty thousand men on the Stafford Heights, but his great antagonist, with the corps of Jackson and Longstreet, was in time to confront him. General Lee's force, infantry, artillery and cavalry, amounted, December 13th, 1862, to just fifty-eight thousand five hundred men. Of this army, not quite one-third were actually engaged in inflicting the bloody defeat that day sustained by the Federal army.*

On the day following the battle at Fredericksburg, General N. G. Evans of South Carolina, with four regiments, was encamped

*Lientenant-Colonel Venable, Acting Adjutant-General.

near the bridge across the Neuse River at Kinston, North Carolina. He had seen service as an officer of the United States army, and had commanded on two occasions of brilliant victory to our arms. He was the hero both of Ball's Bluff, October 21st, 1861, and Secessionville, June 16th, 1862. In the morning of the day indicated, General Evans' pickets on the Trenton road were driven in by a small force, which, moving up near the bridge, was pursued until, with his single brigade of South Carolinians, the Confederate commander found himself in the presence of General A. G. Foster, who had placed in ambuscade the advanced division of an army numbering more than twenty thousand men. Of course Evans' safety, after a short and desperate fight, was only to be found in rapid retreat. He saved the greater portion of his command, but had not time to burn the bridge behind him. The next day, December 15th, he was re-inforced by several regiments, and awaited the enemy in line of battle. Major-General French, with additional troops, was at Moseley Hall. General Beverly Robertson, with the Eleventh North Carolina, Colonel Leventhorpe; Thirty-first, Colonel Jordan; Fourth Cavalry, Colonel Ferebee; Fifth Cavalry, Colonel P. G. Evans, and the right section of Badham's Battery, Company B, Third North Carolina Battalion, took position at the bridge which crosses the Neuse at White Hall.*

General Foster, finding that Evans had been re-inforced, passed up the southern bank of the river with the view of getting in the rear of the troops in his way and thus to reach Goldsboro. General Robertson's pickets announced the enemy's approach on the afternoon of Monday, the 15th of December, and he promptly burned the bridge. The Federal commander contented himself with shelling across the river for several hours after arriving at White Hall, but ceased firing about 9 o'clock. With the earliest light of coming day, General Foster, having placed twenty-nine pieces of artillery in position, opened a tremendous fire upon the Confederate position a little above, and for a half mile below,

*Personal Recollection.

the burned bridge. Lieutenant Nelson McCleese, commanding the two guns of Badham's Battery, did not reply to the enemy's fire until heavy masses of infantry came into action with vain efforts to drive off opposition to pontooning the stream. Colonel Jordan first led the Thirty-first into position before the bridge, but retired under combined fire of infantry and artillery. Then it was, Colonel Collett Leventhorpe, with that regiment which had won the day at Bethel more than a year before, quietly assumed the post of danger, which was maintained to the close of the battle. Nothing could exceed the resolution and bravery manifested by the Eleventh Regiment and McCleese's artillery section. For eight hours, though separated only by five hundred yards distance, the numerous Federal guns hurled their missiles of death at the two brass guns, whose every discharge tore gaps in the crowded ranks of the enemy. A piece of woods intervened and prevented the swift destruction of the section. The left piece was stricken no less than six times and was finally disabled by a percussion shell, which killed two men and two horses, and wounded others. Late in the evening, after many bloody repulses from the river-bank, General Foster abandoned his attempt to pontoon the stream and marched for Goldsboro. He had lost two hundred and fifty dead on the field, and sent to New-Bern more than a thousand wounded. This was, perhaps, the best contested and most brilliant combat on the part of the Confederates in North Carolina during the whole progress of the war. The Eleventh and Thirty-first Regiments, with the few artillerymen, had withstood the onset of ten times their numbers, though only separated by a narrow stream. Considering the length and obstinacy of the engagement, the Confederate loss was surprisingly small, and did not reach two hundred, killed and wounded. General G. W. Smith had reached Goldsboro, and had at his disposal several thousand troops, when on the evening of the day following the battle at White Hall, General Foster and his army approached the railroad bridge across the Neuse. General Clingman, with the Eighth North Carolina Regiment, Colonel Shaw; Fifty-first, Lieutenant-Colonel W. A. Allen; the

Fifty-second, Colonel James K. Marshall, and General N. G. Evans with the Twenty-third South Carolina and Holcombe's Legion, were all the force at hand to meet the enemy at the point for which every one must have known they were aiming. This small force, seeing the enemy forming line of battle beyond a wide field, vainly awaited re-inforcements which could have been brought by thousands from Goldsboro, two miles away. In the temporary absence of General Clingman, General Evans ordered the North Carolina brigade to charge, which they gallantly did but to no purpose, for they suffered speedy repulse, with the loss of one hundred and fifty men, while General Evans, who ordered the movement, ventured no farther than the railroad. A party of the enemy, in the meanwhile, having fired the railroad bridge, General Foster and his army retreated. Thus ended an affair, which in blundering mismanagement was never exceeded.*

On the 10th of December, just before the battle of Kinston, the Confederate troops stationed at Rainbow Bend, under Colonel W. F. Martin, attacked the force in Plymouth and drove them from the place. In the progress of the action, the Federal troops made use of the houses in town as a shelter, from which they fired upon the attacking party. The field guns accompanying the expedition were brought to bear upon these sharp-shooters, and in dislodging them, a fire ensued which destroyed the greater portion of the place. The North Carolina troops returned to Rainbow Bend with twenty-five white prisoners and seventy-five fugitive negroes.

On the last day of September, yellow fever broke out in the city of Wilmington. It had been brought there by a blockade runner from the West Indies. The ravages of this dreadful pestilence were frightful. Nearly two thousand persons perished before it was arrested by the coming frost.

NOTE.—Among the number of those who fell victims to the disease, was the devoted and eloquent Rev. John Lamb Pritchard. He was a native of the Albemarle region, and was a leading man of his denomination in the South.

*General Clingman's and Colonel Marshall's Reports.

Brigadier-General W. H. C. Whiting had been, since the first battle of Manassas, in command of a division composed of General J. B. Hood's Texas brigade and General F. M. Law's Alabama brigade, in which was the Sixth North Carolina. With this command, General Whiting had gained much renown, though for some reason, the Confederate government forbore to promote him. To great bravery and capacity, he added rare skill as an engineer, and had been distinguished as such in the United States service. He had married Miss Walker of Wilmington, and was thus known to the people of the Cape Fear region. In November, upon the subsidence of the yellow fever, he assumed command of the department of the Cape Fear. Wilmington had become all important to the Confederacy. Savannah

He had been preceded, May 9th, by his ancient compeer, Rev. Q. H. Trotman, who died at his place in Gates. Major James W. Moore of the cavalry, had just reached his home and fell dead with heart disease. His fair young wife had preceded him by a year. Like his grandfather, whose name he bore and so strikingly resembled, he was one of the comeliest of men, and unsurpassed for his kindness and generosity of heart. Two of his brothers were officers of artillery; another, a Lieutenant of the Confederate States Navy, while the youngest was soon, at the age of seventeen, also to join the army.

The best people of the State were sending to the front, all of their children who could bear arms, in defence of the country. Mrs. William B. Meares of Wilmington, had five of her sons Confederate officers, until the death of the brave and unfortunate Colonel Gaston Meares of the Third North Carolina. Governor William A. Graham sent also six sons to the battle field, while the father of Major W. M. Robbins devoted all of his five sons to a service in which the late member of Congress alone survived. An humble old man, named Thomas Calton, in Burke county, was not only lavish with his few worldly goods, but gave all of his five sons to the cause. "One by one," to use the language of Governor Vance, "they fell, until at length a letter arrived, telling that the youngest and last, the bright-haired, blue-eyed Benjamin of the hearth had fallen also. Kind friends deputed an old neighbor to take the letter to him, and break the distressing news as gently as possible. When made aware of his desolation he made no complaint, uttered no exclamation of heart-broken despair, but called his son-in-law, a delicate, feeble man, who had been discharged by the army surgeons, and said, whilst his frail body trembled with emotion, and tears rolled down his aged cheeks: "Get your knapsack, William, the ranks must be filled!" Surely it may be said that the pure soul which can thus triumph over nature, like him that ruleth himself, is greater than he who taketh a city."

and New Orleans were in the enemy's hands, Charleston was difficult of access, and nature had made it almost impossible for any fleet to blockade the two inlets commanded by Forts Caswell and Fisher. Colonel Thomas M. Crossan, resuming his naval habits, was now Captain Crossan, and had purchased and successfully brought in one of the swiftest and most elegant of English steam packets.* She was known as the *Lord Clyde* in Europe, but was named *Ad-Vance*, in compliment to the Governor's wife. This fine vessel, and the *R. E. Lee*, were the most fortunate of all the fleet engaged in the Wilmington trade during the war. The *Ad-Vance*, after proving an instrument of untold blessings to our troops and people, was finally captured on her twelfth trip, by attempting to go out with inferior coal. The famous cruiser, *Sumter*, came to Wilmington with two thirteen-inch Blakeley rifles for the forts, and Captain Wylie, then in command, was forced to supply the rover of the seas with his store of anthracite. The bituminous coal, from Deep River, which he took as a substitute, so choked the flues of the *Ad-Vance*, and left so black and lasting a smoke in her wake, that she was easily followed and overhauled at sea.*

The condition of North Carolina, apart from the territory held by the enemy, was still prosperous and hopeful. The great battles in Virginia brought grief and mourning to many a household, for on every field, outnumbering those of any other State, lay the bodies of our patient and dauntless men, who had died for their homes. There have never been soldiers surpassing the volunteers who were mustered from North Carolina into the Confederate service. At the close of 1862, sixty-six large regiments and ten battalions were in the field, and still fresh bodies of troops were to be formed, and men were going forward to fill the ten thousand gaps occurring in the ranks of the veteran regiments. Governor Vance was not only clothing the great army we had sent out, but was establishing wayside hospitals at Weldon, Goldsboro, Wilmington, Raleigh, Greensboro, Salisbury and

*Governor Vance's White Sulphur Springs Address.

Charlotte, in our State, and a great establishment of similar character was instituted at Petersburg, wholly under our auspices, at the head of which were Drs. William C. Warren, and W. A. B. Norcum of Edenton. They were not only for the accommodation of the sick and wounded, but were asylums for the relief of men on furlough, in passing to and from their homes. The passage of the Conscript Act occasioned some disturbance in Randolph county, in the month of February, 1862, but this was easily quelled by the agents of Governor Clark. An obscure man, Marble Nash Taylor, who had been a local Methodist preacher, was induced by the Federal authorities to call himself the Provisional Governor of North Carolina. He issued proclamations, and did other things exciting amusement and derision, but soon returned to a profounder obscurity than that from which he had so lately emerged.*

When the new year of 1863 dawned upon the struggling American people, their mighty contest was still unabated in its fury. The immense Federal armies, though badly worsted in Virginia, had made great inroads upon many portions of the Confederacy besides Eastern North Carolina. Swarms of foreigners from all portions of the world supplemented the levies made in the populous Northern States, and fearfully outnumbered the largest force that Southern patriotism or official diligence could possibly hope to bring in the field. Up to this time, Confederate money had been sustained in value. They who really loved the Southern cause made it a point of honor to receive it at *par* value; but there were many others who preferred their own financial safety to the public good, and early began to refuse Confederate money in payment of debts. Some of these men did all they could to create popular distrust of the government's promises to pay, until the danger of a visit to Castle Thunder† was laid

†NOTE.—Castle Thunder was a prison in Richmond, where disloyal Southern men were confined.

*Parish, chapter 9th.

before their eyes. Then they became more wary in their treason, and in secret did more to weaken the Southern cause than if they had taken muskets and confronted their nobler neighbors in the field.

After the battle of Goldsboro, General A. G. Foster retired precipitately to New-Bern. The troops constituting the army with which he had made his fruitless expedition were soon transferred to Virginia, and a long interval of military inactivity ensued in North Carolina. In the spring of 1863 the aspect of affairs was still hopeful for the future. An immense preponderance of the people of the State were devoted in their attachment to a cause in which so much of their blood had already been spilled. Governor Vance was doing all that wisdom, patriotism and the utmost energy could accomplish in strengthening the hands of those in authority at Richmond. Through his agency, clothing and shoes were furnished in abundance to the North Carolina troops in the field, while the unfortunates in hospitals found medicines and delicacies and the tenderest female ministration to soften the long hours of their anguish. Gentle and high-born Miss Mary Pettigrew, sister of the distinguished General, became another Florence Nightingale to the great North Carolina establishment in Petersburg. The blockade had shut off supplies of cotton and woolen cards, salt and other necessities of life. Wise and efficient steps were taken to counteract these evils. The State established salt works near Wilmington, and large quantities were procured and distributed from southwestern Virginia. The looms were kept in operation by help of the steamer *Ad-Vance*, and especial care was enforced in each county in providing for the families of soldiers on duty. Many thousand bales of cotton were lying in the eastern counties subject to the seizure and destruction of the enemy. Yankee speculators were offering and paying unheard of prices in gold for this great staple whenever it was carried across the lines, to points within their reach; yet such was the devoted unselfishness of our people, though they had no market of their own, that only in rare instances were men

found who would traffic with the invaders, and they were the objects of public scorn.

In North Carolina, as throughout the Confederate States, the great safe-guards of individual liberty were left undisturbed. The writ of *habeas corpus* was not for a moment suspended, and the courts, where not disturbed by the presence of the enemy, were kept open and accessible to all. There were doubtless cases of unnecessary harshness by reason of military arrests, but they were rather attributable to the malice of vindictive neighbors, than to those in authority. It may be that Castle Thunder, in Richmond, held men whose indiscretions merited less severity in their treatment, but they had only to have applied for legal protection to have established their innocence. A government which tolerated the abuse and opposition of the *Richmond Examiner* so long and patiently, can with no propriety be charged with undue severity in the exercise of its functions.

The work of mustering in new regiments and of sending forward volunteers and conscripts to the veteran corps, was still unabated in North Carolina. Colonel Peter Mallett, at Camp Holmes near Raleigh, had charge of conscription in the State. He manifested both ability and discretion in his delicate functions, and formed a fine body of troops, known as the "Conscript Battalion," which afterwards did good service under Major Hahr. This accomplished and genial officer was from Stockholm, in Sweden. General Longstreet's expedition to the neighborhood of Suffolk, gave repose to the Albemarle region and excited hopes of the re-capture of Norfolk. General J. G. Martin, on the Roanoke, and General Whiting, on the Cape Fear, were included in his command.

Some new features had been introduced into the Confederate army organization. Samuel Cooper, Joseph E. Johnston, Albert Sidney Johnston, Robert E. Lee, G. T. Beauregard and Braxton Bragg were full Generals, ranking as they are named. But one of these was a North Carolinian, either by birth or adoption. Of the newly-created Lieutenant-Generals, Leonidas Polk, T. H. Holmes and D. H. Hill reflected honor by their connection with

our ancient Commonwealth. The Army of Northern Virginia, which had consisted of two army corps, were divided into three, after the death of General Jackson. There was no North Carolina brigade in Longstreet's corps, but in Ewell's, Generals M. W. Ransom, Robert F. Hoke, Junius Daniel and Iverson commanded regiments from our State exclusively. In A. P. Hill's corps, were the North Carolina brigades of Lane, Pettigrew, Scales and Cooke, while Lieutenant-General J. E. B. Stewart, in his cavalry command had the two North Carolina brigades of Generals Lawrence S. Baker and Beverly Robertson. At this time General Martin, with his brigade, was in North Carolina, and General Clingman at Charleston. Thus, with the brigade garrisoning the forts at the mouth of the Cape Fear, under the command of General Louis Hebert, we mustered thirteen full brigades, besides the Fifty-eighth Regiment, the Twenty-ninth, the Fifty-ninth and the Twenty-second, then on duty in the Army of Tennessee, under General Bragg.*

After the battle of Fredericksburg, General Burnside was speedily replaced by General Joseph Hooker, as commander of the Army of the Potomac. This chivalrous officer had won, by gallantry in the field, the honorable *sobriquet* of "Fighting Joe." He had massed one hundred and thirty thousand men in front of Fredericksburg, while his great antagonist, General Lee, by reason of Longstreet's absence, could bring no more than forty-six thousand to meet his onset. General Hooker had seen the folly of Burnside's attack upon the intrenchments, which had been greatly strengthened since the Federal disaster of December 13th, 1862. Moving by the right flank, the Federal commander, leaving forty thousand men under General Sedgewick before Fredericksburg, with the remainder of his great army took up his line of march through the wilderness, in the direction of Culpepper Court House. General Lee saw at once the attempt to turn his left. Stonewall Jackson suggested a bold and perilous movement. Dividing the army, General Lee moved up and con-

*Our Living and Dead.

fronted the foe at Chancellorsville. The enemy had not been long engaged in front when the roar of Jackson's onset fell on their startled rear. Headlong through the darkness were driven the corps of General Sigel and others. General Hooker and his ninety thousand seemed enveloped and lost in the daring strategy of the Southern leaders. Suddenly a sound of guns was heard in the direction of Fredericksburg. Sedgewick had crossed the Rappahannock and overpowered the small force left at Marye's Hill. General Lee withdrew a portion of the force assailing Hooker in the front, and, having speedily repelled this movement in his rear, returned to attack the beleaguered thousands at Chancellorsville. As he and his victorious columns resumed their positions in line of battle his dauntless men who had been pressing Hooker in his absence, rent the air with their acclamations in his honor. With a magnanimity which has never been surpassed, in that moment of supremest victory, he was heard exclaiming to his men that the honor of the triumph belonged not to him, but to General Jackson, who had planned the battle.* Alas, the lion of the valley was at last laid low. The great military genius, the noble and unselfish patriot, the unspotted and holy man of God, had well-nigh ended his earthly pilgrimage. Wounded unto death, the stricken warrior, attended by his wife, gradually sank lower, until, in his dying delirium, he exclaimed: "Let the men pass over and rest under the trees," and then expired. By a cruel mischance he had fallen by the fire of his own troops, while making a reconnoissance at night, preparatory to a fresh attack in the morning.

In many respects this was the most glorious victory achieved in modern times. The Confederates won it at fearful cost. Thousands of our bravest and best had fought their last, but the weight of private affliction was overshadowed in the great public loss, by the death of General Jackson. The glory of our arms was dimmed in the fact that General Lee's right arm was gone forever.

*Colonel Marshall of Baltimore.

North Carolina furnished a large proportion of the force engaged. No less than ten of her brigades participated in the engagement, the Second Regiment alone losing two hundred and twenty-nine men. General Hooker, with his great masses, beaten and demoralized, escaped by pontooning the Rappahannock. He had lost seventeen thousand men, fourteen guns and twenty thousand stand of arms. Of the ten thousand men lost by the Confederates, it was asserted by Governor Graham in the Confederate States Senate, just subsequent to the battle, that one-half belonged to the North Carolina regiments. A most mournful but thrice-glorious tribute to their daring and devotion to a cause they so unavailingly died to uphold.

After the fall of Roanoke Island, the navigable waters of Eastern Carolina, with the exception of the Roanoke River, were left open to the expeditions of the enemy's gun-boats. They roamed up and down the streams with their double-enders and bore off living freights of fugitive negroes, with an occasional skulking "Buffalo." These latter were shameless and obscure white men, who turned traitors to their friends and neighbors, and, generally for the basest ends, made terms with the authorities at Plymouth, New-Bern and elsewhere. They were regarded with great abhorrence and were generally excommunicated from the churches to which they belonged. They established a stronghold at Wingfield, the residence of Dr. Richard Dillard in the upper portion of Chowan county, which became an intolerable nuisance. The mansion, which had long been the seat of Mrs. Dillard's Brownrigg ancestors, while occupied as a nest of these unclean birds, was consumed by fire. They were the basest and most ignoble of traitors, whose wretched names are undeserving of historic mention.

On June 26th, a fleet of gun-boats passed up the Chowan and fired upon the pickets at Jordan's fishery, mortally wounding one of the privates of the Twelfth North Carolina Battalion. They had visited Murfreesboro, May 23rd. Ten days after the occurrence at the fishery, they returned to Winton, and rapidly disembarking Colonel Spear's regiment of New York Cavalry, that

command at once moved forward to attack the Twelfth Battalion, intrenched at Henry Griffith's house, near Hill's Bridge. Potomac Creek at that point, after a wide *detour*, approaches within one hundred yards of the spot, which is miles above by way of the stream. A simple breastwork had been here constructed with the idea that the position could not be turned; as both flanks were covered by the creek. Major Wheeler was absent when the enemy made his appearance. An engagement ensued which lasted for twenty minutes, when for some reason the Confederates fell back to the second line of defence commanding Hill's Bridge. The Federal commander at once turned this position by effecting a crossing both above and below. The Twelfth Battalion sought safety in speedy retreat. Two days later, having been joined by Major Wheeler, they were attacked at Vinson's farm, four miles above Murfreesboro and a large portion of them captured.* Colonel Spears intended to burn the bridge at Weldon, and at once pressed forward in that direction. Brigadier-General M. W. Ransom, with a small force, was posted at Boone's Mill, nearly midway between Jackson and Garysburg. He had no intimation of the enemy's approach, and barely escaped capture in a desperate race from Jackson to the Mill. His men, thus taken unawares, were heroes in the emergency. Promptly seizing their arms, they met the victorious foe, and after an obstinate engagement, drove back the Northern cavalymen, discomfited, to their gun-boats.

General W. D. Pender of Edgecombe, North Carolina, had been wounded in both the battles of Fredericksburg and Chancellorsville. He was promoted after the latter engagement. His division consisted of the North Carolina Brigades commanded respectively by Generals James H. Lane and Alfred M. Scales, McGowan's South Carolina, and Thomas' Georgia brigades. Generals Robert Ransom and Loring were likewise North Carolina division commanders, and fully commissioned as Major-Generals.†

*Dr. Wheeler's Diary.

†Our Living and Dead.

Early in June, General Lee assumed the offensive and began his forward movements against the enemy. Major-General George E. Meade had succeeded General Hooker in command of the Army of the Potomac. He was a brave and capable officer, as much distinguished for military capacity as he was for the qualities that go to the formation of a noble character. Like McClellan, he was a Pennsylvanian, and was destined to rival him in fame as a soldier. On June 17th, Lieutenant-General Ewell having interposed his army corps between Winchester and all lines of retreat, the Federal General, Milroy, with four thousand men and large supplies, was captured. General Lee was pressing forward with sixty thousand men for a second invasion of the Federal territory. General Stuart, with the cavalry, penetrated as far as Chambersburg, Pennsylvania. The consternation of Washington was extended to Harrisburg and Philadelphia, and troops were hurried up from all portions of Mr. Lincoln's domain to resist this portentous movement. General Lee confidently relied upon his chief of cavalry for information as to Meade's movements. Stuart was absent and unconscionable in his delay. On the morning of July 1st, it was ascertained that a Federal force occupied Gettysburg, and General Ewell was ordered to the attack. The division of Major-General Heath, composed of Pettigrew's North Carolina, Archer's Tennessee, Brockenbrough's Virginia and Davis' Mississippi brigades, under the command of Brigadier-General James Johnston Pettigrew, after General Heath was wounded, was in front. Upon the arrival of two other divisions of Ewell's corps, General Pettigrew promptly moved to the attack. The enemy was strongly posted in three lines upon the crest and slopes of a hill. In some places were clumps of woods, in others luxuriant wheat fields. The Confederate advance was saluted by a deadly discharge from the opposing batteries, but the triple lines were forced into one, and then at pistol range, especially opposite the Twenty-sixth and Eleventh North Carolina troops, the enemy fought with a most desperate bravery. Gradually they were forced back to intrenchments beyond the town of Gettysburg, from which new position,

Pettigrew being re-inforced by General Pender's division, they were speedily expelled.*

Pettigrew's brigade was commanded by the youthful and gallant James K. Marshall, Colonel of the Fifty-second North Carolina. It carried fully three thousand muskets into the engagement and lost eleven hundred men. The Twenty-sixth Regiment alone lost five hundred and forty-nine out of eight hundred men, including its youthful commander, Colonel Henry K. Burgwynn.†

Again, on the second day, General Lee renewed the assault. The divisions of Hood and McLaws forced their way, on the extreme Confederate right, into possession of Round Top Hill, and greatly endangered the integrity of the whole Federal position. Early and Johnson were launched in the evening from the left against Culp's Hill and the end of Cemetery Ridge. At nightfall the great army of General Meade was still in possession of its impregnable position.

On the 3rd of July the battle was still continued. The enemy were in immense force and strongly intrenched upon Cemetery Hill. This eminence, distant one mile and a quarter from the

†NOTE.—He was the oldest son of a wealthy and intelligent man in the county of Northampton, who bore the same name; who, with his brother, Thomas Pollock Burgwynn and Thomas Pollock Devereux, were descendants of Governor Pollock of colonial times. The immense Roanoke estate of George Pollock had descended to them. Mr. Devereux had been distinguished as a lawyer, and the Burgwynns were as conspicuous for culture as they were for wealth. Their father had resided in New-Bern, and their uncle, George Burgwynn, at the Hermitage on the Cape Fear. Young Harry Burgwynn was worthy of his lineage. He was only twenty-two years of age, but to gallantry in the field, he added rare skill as a tactician and unusual executive abilities. To high moral qualities, he united a gracious demeanor and exceeding comeliness as a man. The Eleventh Regiment, Colonel Leventhorpe, which had been so distinguished at Bethel, Virginia, and White Hall, North Carolina, lost two hundred and fifty men out of an effective force of five hundred and fifty. All of the five field officers present with these two regiments were killed or wounded.*

*Captain Young, Acting Adjutant-General.

Confederate lines, was crowned by numerous batteries of artillery, to which the slope of the hill gave all the protection to be found in the most perfect artificial glacis. The interval separating the combatants was perfectly open, with numerous fences affording, no protection, but abundant embarrassment to any forward movement across the field. Opposite the division of Major-General Pickett, the Federal works projected into a salient, which extended far out in the direction of the Confederates. This point of the line was selected by General Lee as the main object of attack. Pickett's division of Longstreet's corps, which had not participated in the combats of the two previous days, was selected for the honorable and deadly duty of charging across the long space in their front. Heath's division, still under the command of Pettigrew, was aligned upon Pickett's left, and notwithstanding its frightful losses two days before, was again to be baptized in blood. General James H. Lane, in command of General Pender's division, was ordered, with his own and Scales' brigade, to support Pettigrew's left.* Longstreet's other divisions, under McLaws and Rhodes, were ordered to the assault on General Lee's extreme right, while Edward Johnston, J. R. Anderson and Robert Ransom, with the cavalry on their left, were to make the movement a general one by almost the whole army. A vast semicircle was occupied by each of the opposing lines—while to the Federal forces, intrenched, was superadded the great advantages of facility of support from one part to another of the line of battle.

These arrangements having been completed, and General Trimble having assumed temporary command of Pender's division, the order was given and the Confederates moved to the attack. Undismayed by the tremendous artillery fire and the execution of many thousands of long range rifles, onward passed to the harvest of death, fearless and devoted men, so many of whom were to be stricken down on the way. Pickett's division and the right wing of Pettigrew's, to-wit: Pettigrew's and Archer's

*General Lane's Report.

brigades, reached the works and drove the enemy from his position. General Lane, who had again assumed command of Pender's division, upon the fall of General Trimble, approached within a few yards of the enemy, and had silenced his fire, when seeing the Confederate troops give way, he ordered a retreat. Pickett, Pettigrew and Lane had done all that it was possible to do, and were forced back by the weight of overwhelming numbers.*

That evening, when the shattered ranks of the Confederates regained their alignments, it was the saddest hour in General Lee's life. He had no word of reproach for men who had so fearfully suffered in their efforts to execute his mandates. With a magnanimity that was almost superhuman in its grandeur, he freely assumed all the blame of the failure to himself, and repeatedly asserted that his troops had done all that men could have accomplished.

The great field was blind with smoke, covered with the dead and resounding with the cries of the wounded. Gettysburg had stabbed deeply into the vitals of the South. Who should replace the thousands who lay so mute in their gore? As on every other field, the patient and dauntless men of North Carolina slept in thousands. Major-General William D. Pender had been slain, and in him were lost a courage and capacity which gave infinite promise for the future. He was very young, but had won the trust and admiration of his great commander, and a fame which will never die. General Pettigrew was wounded, and a day or two afterwards slain by a party of Federal cavalry, who being mistaken for a body of our own troops, were allowed to approach his headquarters. Our State has never produced a more gifted or cultivated man than James Johnston Pettigrew. He was the youngest son of Ebenezer Pettigrew of Tyrrel. He graduated at Chapel Hill in 1847. No student ever left our University with more reputation for scholarship. For two

*General Lane of Virginia, Captain Young of South Carolina, Major Englehard and others.

years he assisted Lieutenant Maury at the National Observatory, and then, after further years of study at Heidelberg and travel in Europe, he became the law partner of his kinsman, James L. Pettigrew, who was the leading lawyer of South Carolina. He soon came to be conspicuous at the Bar and in the Legislature of the Palmetto State. Amid his varied accomplishments, he was profoundly stored with military knowledge. His noble character was crowned and adorned by the fairest of Christian graces. He was modest and patient and entirely brave, and yet such a man was slain, perhaps by a ruffian equally devoid of brains and morals; and such is the folly and brutality of all wars.

Pettigrew's brigade, led by Colonel James K. Marshall, suffered horribly. Of the three thousand men composing its ranks when the fighting commenced at Gettysburg, but eight hundred and thirty-five were fit for duty on the morning of the 4th of July. All the field officers but one, who was captured, were killed or wounded. Major Jones of the Twenty-fourth Regiment, North Carolina State Troops, had been injured both on the 1st and 3rd, but was able to assume command on the 4th. Two of the brigade staff, Captain N. Collin Hughes of New-Bern, North Carolina, and W. W. McCreery, fell in the charge. Colonel James K. Marshall died in a manner which was worthy of his illustrious ancestors. He was reared in Fauquier county, Virginia, and was the grandson of John Marshall, once the Chief-Justice of the United States. He was educated at the Virginia Military Institute, and, previous to the war, became a citizen of Edenton, North Carolina. He had gained great credit in his combat with the gun-boats and land forces on Blackwater River, and was modest, brave and able. In the battle of the first day, Captain Tuttle of the Twenty-sixth Regiment, carried into action two Lieutenants and eighty-four men. All of the officers and eighty-three of the men were killed or wounded. On the same day, Captain Francis W. Bird of Bertie, with his command, Company C, Eleventh Regiment, North Carolina State Troops, lost two officers and thirty-four men out of thirty-eight. With

his four privates he participated in the charge of the last day, and nobly won his promotion as Major of his splendid regiment.

In Pender's division, besides the death of its accomplished commander, there was also sad havoc. General Alfred Scales was wounded, as were Colonel C. M. Avery of the Thirty-third, Colonel Lowe of the Twenty-eighth, and the conspicuously brave Major J. McLeod Turner, commanding the battle scarred and decimated Seventh Regiment. Colonel Isaac E. Avery of the Sixth North Carolina Regiment, likewise lost his life in the charge. He was a brother of the distinguished W. W. Avery of Burke, who was also to be slain in the progress of the war.

General Lee was foiled at Gettysburg precisely as General McClellan had been at Sharpsburg. After great and bloody efforts, he found it impossible to dislodge his foes, and retired sorrowfully from the mighty contest. It was the turning point in the war, and the Confederate cause could never rally from this bloody check. The twenty-three thousand men lost in the Federal army could be easily replaced, but who were to close the great gaps in the Confederate ranks! The flower and hope of the South had perished in splendid but unavailing heroism.

NOTE.—Immediately after the battle of Gettysburg, newspapers in Richmond and other places in Virginia, in their high-flown laudations of the conduct of General Pickett's division in the famous charge, began the false and ungenerous insinuations to the effect that the failure to retain the lodgment made in the Federal lines grew out of the fact that Pettigrew's division did not support them on the left. Colonel Walter H. Taylor, in his work, repeats in substance this cruel misstatement. He says, on page 107: "The charge was made down a gentle slope, and then up to the enemy's lines, a distance of over half a mile, denuded of forests, and in full sight of the enemy, and perfect range of their artillery. These combined causes produced their natural effect upon Pettigrew's division and the brigades supporting it, caused them to falter, and finally retire. Then Pickett's division continuing the charge without supports, and in the sight of the enemy, was not half so formidable or effective as it would have been had trees or hills prevented the enemy from so correctly estimating the strength of the attacking column, and our own troops from experiencing that sense of weakness which the known absence of support necessarily produced. In spite of all this, it steadily advanced to its allotted task. As the three brigades under Garnett, Armistead and Kemper approach the enemy's lines, a most terrific fire of artillery and small-arms is concen-

LANE'S BRIGADE.

LETTER FROM GENERAL LANE.

VIRGINIA AGRICULTURAL AND MECHANICAL COLLEGE,
BLACKSBURG, September 7th, 1877.

MESSRS. EDITORS:—As a Confederate officer in the Army of Northern Virginia, commanding only a brigade, I, of course, do not pretend to know all about General Lee's campaigns, including his various combination of troops and plans of attack, but I do claim to know what my North Carolina brigade did after it was put into action, and I also profess to know something about what was going on on my immediate flanks in time of battle.

Colonel W. H. Taylor, in his article on the battle of Gettysburg, which appeared in the *Philadelphia Weekly Times* of the 25th of August, has the following, relative to the third day's fight:

"The assaulting column really consisted of Pickett's division—two brigades in front, and one in the second line as a support—with the brigade of Wilcox in the rear of its right to protect that flank; while Heth's division moved forward on Pickett's left, in *echelon*, with Lane's and Scales' brigades in rear of its right, and its left without reserve or support, and entirely exposed. Thus the column moved forward. It is needless to say a word here of the heroic conduct of Pickett's division; that charge has already passed into history as 'one of the world's great deeds of arms.' While doubtless many brave men of other commands reached the crest of the height, this was the only organized body that entered the works of the enemy. Much can be said in excuse for the failure of the other commands to fulfill the task assigned them. As a general rule, the peculiarly rough and wooded character of the country in which our army was accustomed to operate, and which, in some respects, was unfavorable for the manœuvres of large armies, was of decided advantage to us; for, in moving upon the enemy through bodies of woods, or in broken, rolling country, not only was the enemy at a loss how to estimate our strength, but our own men were not impressed with that sense of insecurity which must have resulted from a thorough knowledge of their own weakness.

"It was different here. The charge was made down a gentle slope, and then up to the enemy's lines, a distance of over half a mile, denuded of forest and in full sight of the enemy and perfect range of their artillery. These combined causes produced their natural effect upon Pettigrew's division and the brigades supporting it, caused them to falter and finally retire. Then Pickett's division, continuing the charge, without supports and in sight of the enemy, was not half so formidable or effective as it would have been had trees or hills prevented the enemy from so correctly estimating the strength of the attacking column, and our own troops from experiencing that sense of weakness which the known absence of support necessarily produces. In spite of all this, it steadily and gallantly advanced to its allotted task. As the three brigades of Garnett, Armistead and Kemper approach the enemy's lines, a most terrific

fire of artillery and small-arms is concentrated upon them; but they swerve not—there is no faltering; steadily moving forward, they rapidly reduce the intervening space, and close with their adversaries; leaping the breastworks, they drive back the enemy, and plant their standards on the captured guns, amid shouts of victory—dearly won and short-lived victory!”

Why the reasons assigned by Colonel Taylor should have caused Pettigrew's division and the brigades supporting it to falter and finally retire, and have a directly opposite effect upon Pickett's division, is inexplicable to me. If my brigade faltered and finally retired, before Pickett had even pierced the enemy's line, which I do not admit, a better reason might have been found for its conduct in my official report, a copy of which Colonel Taylor seems to have had in his possession at the time of writing his article. General Lee does not theorize upon this point, but attaches great importance to the fact that *“the enemy was enabled to throw out a strong force of infantry against our left.”* The following extract from my official report of that battle may possibly throw some light upon a subject which does not yet seem to be understood by many of the writers of the day.

“Next morning the skirmishing was very heavy in front of Thomas and Perrin, requiring at times whole regiments to be deployed to resist the enemy and drive them back, which was always most gallantly done. While this was going on, I was ordered by General Hill, through Captain Hill, to move in person to the right, with the two brigades forming my second line, and “report to General Longstreet as a support to Pettigrew.” General Longstreet ordered me to form in rear of the right of Heth's division, commanded by General Pettigrew. Soon after I had executed this order, putting Lowrance on the right, I was relieved of the command of the division by Major-General Trimble, who acted under the same orders that I had received. Heth's division was very much longer than Lowrance's brigade and my own, which were its only support, and there was consequently no second line in rear of its left.

“Now in command of my own brigade, I moved forward to the support of Pettigrew's right through the woods in which our batteries were planted, and through an open field about a mile, in full view of the enemy's fortified position, and under a murderous artillery and infantry fire. As soon as Pettigrew's command gave back, Lowrance's brigade and my own, without even having halted, took position on the left of the troops which were still contesting the ground with the enemy. My command never moved forward more handsomely—the men reserved their fire, in compliance with orders, until within good range of the enemy, and then opened with telling effect, repeatedly driving the cannoniers from their pieces—completely silencing the guns in our immediate front, and breaking the line of infantry which was formed on the crest of the hill. We advanced to within a few yards of the stone wall, exposed all the while to a heavy raking artillery from the right. *My left was here very much exposed, and a column of infantry was thrown forward in that direction which enveloped my whole line.* This forced me to withdraw my brigade, the troops

on my right having already done so. We fell back as well as could be expected, re-formed immediately in rear of the artillery, as directed by General Trimble, and remained there until the following morning.

"I cannot speak too highly of my brigade in this bloody engagement. Both officers and men moved forward with a heroism unsurpassed, giving the Brigade Inspector and his rear guard nothing to do. Our great loss tells but too sadly of the gallant bearing of my command—six hundred and sixty (660) out of an effective total of thirteen hundred and thirty-five (1,335), including ambulance corps and rear guard—our loss on the first and second being but slight."

The following lucid explanation of the whole affair, from the pen of General Trimble, that gallant Marylander who paid for his heroism in that bloody fight with the loss of a leg, is richly worth a careful perusal :

* * * * *

"At the risk of being tiresome, I propose to make a brief statement of what passed under my *own* eye during the third day's fight on the right of our army. A topographical sketch of that part of the field can alone convey a full understanding of the movements of our troops, but a brief description of ridges, woods and roads will help to elucidate the situation and conduct of divisions.

„Cemetery Ridge or plateau extends from the town of Gettysburg to Round Top Hill, say two or three miles long. The Emmettsburg road runs north-easterly, not far from the western edge of this plateau, but generally below it in elevation, entering Gettysburg on the south directly below the Cemetery. Tracing the Emmettsburg road south-westerly from Gettysburg, it is found to diverge more and more from the plateau of Cemetery Ridge. At and near the town the road lies at the foot of an abrupt slope, but about a mile south, in front of Pickett's division, the road is over half a mile from the elevation on which the Federal lines were posted, with a small stream and valley between. These lines, infantry and artillery, occupied moderately elevated ground commanding the fields between them and the Southern lines, on Seminary Ridge in the westward. This last ridge makes a considerable angle with the Emmettsburg road. At the point occupied by General Pickett, the crest of the ridge is about a third of a mile from the road ; at the point occupied from which Pettigrew started it is *over* a mile from the road.

"General Pickett's line was formed about one hundred yards from and west of the Emmettsburg road, at that point occupied by Southern troops the day previous. That part of the road in Pettigrew's front, was occupied by the Federal troops, and not over one hundred yards from the Federal line on the crest of Cemetery Ridge.

"From the preceding, it can be understood that Pickett started in his charge from the Emmettsburg road, and Pettigrew and Trimble started from the top of Seminary Hill. The former about three-quarters, the latter one mile and a quarter from the enemy's line.

"Pickett's line being in view of the enemy at the start, and nearest to him, would naturally attract most attention, and receive at first the severest fire from his front, and his division be the first to suffer, as the one which most threatened the enemy and therefore, the first to be crushed. As soon, however, as Pettigrew's and Trimble's divisions fairly appeared in the open ground at the top of Seminary Ridge, furious discharges of artillery were poured on them from the line in their front, and from their left flank by the line which overlapped them near Gettysburg. To the artillery fire was soon added that of small arms in a ceaseless storm, as they marched down the smooth, even slope.

"It will be easily understood that as Pickett's line was overlapped by the Federal lines on *his* right, and Pettigrew and Trimble's front by the Federal lines on *their* left, each of these commands had a separate and distinct discharge of artillery and musketry to encounter, the one as severe and incessant as the other, though Pickett's men felt its intensity sooner than the others, and were the first to be crushed under fire before which no troops could live; while Pettigrew and Trimble suffered as much or more before the close, because longer under fire, in consequence of marching further.

"The returns of killed and wounded show that the other commands lost as heavily as Pickett's, some brigades more. Not one of my staff escaped severe wounds, and all had their horses killed.

"It would have been more in accordance with military principles had Pettigrew and Trimble started fifteen minutes before Pickett, so as to have brought them all to the enemy's line at the same moment. The result would probably have been the same; yet ten or fifteen minutes sooner or later in the movement of a heavy column, often produces a decided difference in the result of a battle.

"Both Northern and Southern descriptions of the battle of Gettysburg in the third day's contest, have, without, perhaps, a single exception, down to the present time, given not only most conspicuous prominence to General Pickett's division, but generally, by the language used, have created the impression among those not personally acquainted with the events of the day, that Pickett's men did all the hard fighting, suffered the most severely, and failed in his charge because not duly or vigorously supported by the troops on his right and left. It might, with as much truth, be said that Pettigrew and Trimble failed in their charge, because unsupported by Pickett, who had been driven back in the crisis of their charge, and was no aid to them.

"These statements or inferences do such great injustice to other troops, who displayed equal daring, and are so contrary to well known facts, that the errors can only be accounted for by one or two considerations, viz: First, that Pickett's division, being much nearer the enemy when it began the charge, became at the start the most prominent body in the field, and the most to be dreaded, and which would, if any did so, be the first to pierce the Federal lines and decide the contest. Second, as these were the first who 'shattered to atoms'

and recoiled from the advance, the fate of the day seemed solely to rest with them, and that when they fell back the contest was over. No one acquainted with the facts can, for a moment, doubt the intrepid bravery and splendid bearing of Pickett's men. They did all that men could do under the circumstances, but others did as well, went as far, or further, fought longer and lost as heavily. The simple truth is that Pickett's, Pettigrew's and Trimble's divisions were literally "shot to pieces," and the small remnants who broke the first Federal line were too feeble to hold what they had gained.

"So the result of that charge only proved over again the axiom in war, that 'no single line of infantry without artillery can carry a line, protected by rifle pits, knapsacks and other cover, and a numerous artillery, if the assaulted party *bravely* avails itself of its advantages.' It was so at Fredericksburg, reversing the parties, and will be so everywhere.

"Now a word about North Carolinians in this charge at Gettysburg, and of what I *was an eye-witness*.

"On the morning of the third, I had been put in command, by order of General Lee, of the two brigades of General Pender, who had been wounded. These were both of North Carolina troops, commanded by J. H. Lane and Alfred M. Scales. On taking command of these troops, entire strangers to me, and wishing, as far as I could, to inspire them with confidence, I addressed them briefly, ordered that no gun should be fired until the enemy's line was broken, and that I should advance with them to the farthest point.

"When the charge commenced, about three P. M., I followed Pettigrew's (Heth's) division about one hundred and fifty yards in rear, a sufficient distance to prevent the adverse fire raking both ranks as we marched down the slope. Notwithstanding the losses as we advanced, the men marched with the deliberation and accuracy of men on drill. I observed the same in Pettigrew's lines. When the latter was within one hundred and fifty yards from the Emmetsburg road, they seemed to sink into the earth under the tempest of fire poured into them. We passed over the remnant of their line, and immediately some one close by my left sung out, "Three cheers for the Old North State," when both brigades sent up a hearty shout, on which I said to my aid 'Charley, I believe those fine fellows are going into the enemy's line.'

"They did get to the road and drove the opposing line from it. The loss here was fearful, and I knew that no troops could long endure it. I was anxious to know how things went on with the troops on our right, and taking a quick but deliberate view of the field over which Pickett had advanced, I perceived that the enemy's fire seemed to slacken there, and men in squads were falling back on the *west* side of the Emmetsburg road. By this I inferred that Pickett's division had been repulsed, and if so, that it would be a useless sacrifice of life to continue the contest. I, therefore, did not attempt to rally the men who began to give back from the fence.

"As I followed the retiring line on horseback at a walk, to the crest of Seminary Ridge, under the increasing discharge of grape, shell and musketry, I had cause to wonder how *any one* could escape wounds or death.

* * * * *

Yours truly,

L. R. TRIMBLE."

My position in rear of Pettigrew's command was such as to prevent my seeing the first movements of the front line, as there was an intervening strip of woods, but General Thomas, who could see from his position in the road everything that was going on on the left, informed me the next day, that Brockenbrough's brigade, which was on the left of Pettigrew's (Heth's) division, did not advance beyond the road; and that Davis' brigade, which was next to it, pushed forward *in advance* of the general line, with too much impetuosity and was driven back. The remaining brigades of this division were Pettigrew's and Archer's, but the greater part of Archer's brigade and General Archer himself had been captured in the first day's fight. When General Trimble ordered us forward, we gained distance, or *obliged to the left as we advanced*, and took position in the *front* line, on the left of Pettigrew's brigade, and when the right of my command was within a short distance of the stone fence used as a breastwork, one of General Longstreet's staff officers came dashing through a hot fire with orders from General Longstreet to move by brigade rapidly to the left, as the enemy had thrown out a flanking force in that direction—this force was already pouring a destructive fire into us. As soon as I could dismount from my wounded, plunging horse, I ordered Colonel Avery, in command of my left regiment, to move to meet the force above referred to, when he quickly replied, "My God! General, do you intend rushing your men into such a place *unsupported, when the troops on the right are falling back?*" Seeing it was useless to sacrifice my brave men, I ordered my brigade back, and formed in rear of the artillery, as directed by General Trimble. Perhaps this last statement may serve to explain the "APPARENT" *echelon movement of Pettigrew's division* to those who witnessed the fight at a distance.

I know too well what is to be a soldier to wish to rob any command of any of its laurels, and as a Virginian, I by no means wish to cast any reflections whatever upon the gallant troops from my native State. What I have written is solely in defence of a most heroic body of North Carolinians, of whom General Lee told me, *in person*, that North Carolina had just cause to be proud.

JAMES H. LANE.

LETTER FROM LIEUTENANT-COLONEL JOSEPH H. SAUNDERS.

AVON FARM, N. C., September 22, 1877.

EDITORS OBSERVER:—In reply to your questions, relating to the conduct of the North Carolina troops at Gettysburg, I beg leave to say I was then

Major of the Thirty-third Regiment North Carolina Troops; was in command of the regiment in the morning and in the evening, and during the attack was in charge of the left wing.

I went, by a subsequent measure, to within about sixty yards of the stone wall, where I was wounded and remained until late next day, when I was taken from the field by the enemy.

Just before I was shot, I distinctly remember seeing a Yankee color-bearer just in front of the left wing of my regiment get up and run, trailing his flag and followed by his regiment; so that there was nothing to keep our regiment from going right into the enemy's ranks.

I was shot by the troops on the left flank mentioned by General Lane in his report. At the time of my being shot, I was, by direction of Colonel Avery, acting as left guide to the line of battle, directing the line of march more to the right, so as to strike the enemy's works in a straighter line. I see from the *Virginian* that Captain Young states Lane's and Scales' brigades did not reach the point attained by Pettigrew's brigade. As to this point I can be *perfectly positive*, as we overtook the first line (Pettigrew's), and the two lines then became one, and the advance was continued. There can be no mistake about this, my memory is perfectly distinct. If you will write to Colonel W. G. Morris, (Thirty-seventh North Carolina), who was in the attack and captured, in the enemy's works, I think, he can give you a more accurate account. Colonel Morris was as cool a man under fire as I ever saw, very deliberate and methodical in all his movements. Any statement he may make, will, beyond all doubt, be the truth, without exaggeration. He was from Gaston county, and a member of the last Legislature.

Yours truly,

JOS. H. SAUNDERS.

LETTER FROM LIEUTENANT-COLONEL W. G. MORRIS.

DALLAS, N. C., October 1st, 1877.

MESSRS. EDITORS:—On the morning of the third of July at Gettysburg, General Lane was ordered to move his own brigade and Scales' by the right and report to Longstreet for further orders. General Longstreet ordered Lane to form in the rear of the right of Heth's division, then commanded by Pettigrew. This division was on the left of Pickett's. After Lane had taken this position, General Trimble relieved him of the command of Pender's division. As well as I recollect, our brigade went into the fight in the following order: Seventh, Thirty-seventh, Eighteenth, Twenty-eighth, Thirty-third; the Thirty-third being the extreme left of the line of battle. Soon after we emerged from the woods, Davis' brigade in front of us became engaged with the enemy, but being exposed to a heavy flanking fire both of infantry and artillery, was forced to fall back. We were then ordered to double-quick. Soon Pettigrew's

and Archer's brigades became engaged in front and on our right. About the time Pettigrew's and Archer's brigades became engaged, I could see our men on the extreme right falling back. Pettigrew's and Archer's men reached the enemy's works a little in advance of us, and succeeded in driving the enemy from his works immediately in their front, but were exposed to a flanking fire both right and left. They laid down, some in the road, some on the crest of the hill near the stone fence and beckoned to us to come on. General Trimble then ordered us to charge the enemy's works in our front. This order was promptly obeyed, and here General Trimble was wounded. About the time the right of our brigade made this charge, General Lane changed direction to the left, which caused the separation of the Seventh Regiment and all on the right of the colors of the Thirty-seventh from the brigade.

We drove the enemy in front of us from his position in the road, then from behind the stone fence and held this position at least half an hour. Right here, between the road and the stone fence, (the enemy having disappeared from our front) we became engaged with a flanking party on our left and were soon surrounded and captured. Six officers on the right of my regiment were wounded in the enemy's works and captured. Among the number was the lamented Lieutenant Battle, whose wound proved fatal. Lieutenant Horton was shot through the left lung.

I was Lieutenant-Colonel of my regiment. Pettigrew's and Archer's brigades remained longest on our right. Pickett's division did not go further than our command.

Respectfully,

W. G. MORRIS.

LETTER FROM LIEUTENANT THOMAS L. NORWOOD.

FAYETTEVILLE, TENN., October 6th, 1877.

MESSRS. EDITORS:—I am sorry that I have not been able to answer your communication sooner, but doubt not you have had better information in the meantime than I could give.

I was First Lieutenant, Company A, Thirty-seventh North Carolina Troops; Lane's Brigade, (General Lane in command) Pender's division, (commanded by Trimble).

My command (i. e. my own company, and, as far as I observed, the whole regiment and brigade), advanced firmly and cheerfully to within thirty yards of the enemy's works, where they encountered a plank fence. Several officers, myself among the number, sprang over the fence, followed by the whole command, so far as I know. The cannoniers then left their guns. I rushed forward, thinking the day was ours, and when within twenty yards of the enemy's works, was called by Lieutenant Mickle, who told me that our line had fallen back. Just then he and I, and Lieutenant Royster, (the only other man that I remember seeing so near the works), were shot down. I know not by whose order the retreat took place. Mickle and Royster were killed. I was

dragged over the breastworks by the Federal sergeant, where I found several prisoners from different commands, but do not know when or how they got there, as I soon fainted. I remained a prisoner for a week and then escaped. I did not return to my company for two months after the battle; in the meantime the reports had all been made out, and I cannot now recall the casualties of my company and never knew those of the regiment. I was told that the whole brigade, after its frightful losses on the first day, would not have made an average regiment. I do not believe any of our men acted badly.

Yours truly,

THOMAS L. NORWOOD.

LETTER FROM COLONEL LOWE.

IRON STATION, N. C., October 17th, 1877.

MESSRS. EDITORS:—Yours of the 5th inst. found me on a sick bed, and I could not reply at once. Though scarcely able to write yet, I am unwilling to keep you longer in waiting. You will find my information rather meagre respecting the "third day at Gettysburg." My rank was Colonel, commanding Twenty-eighth North Carolina Regiment—three hundred and twenty-five men. We advanced about a mile, starting just in rear of Pettigrew's left, which brigade closing and dressing to the right, we to the left, in less than half the distance uncovered us and left us front line.

Over three hundred yards from the enemy's works I received a severe wound from a minnie ball and was carried to the rear. Next morning the Twenty-eighth Regiment had one hundred men for duty, as reported to me at hospital. Do not know that any of my men reached the "stone wall." They were old veterans—true men, and of their own accord would not walk up merely to throw down their guns "for the war." I think about one-third of our casualties were "killed," the remainder "wounded." My men never fought better than on that day, and I always thought no regiment superior to Lane's in bravery. Pettigrew commanded between three thousand and four thousand men. You have doubtless availed yourself of General Lane's knowledge of the fight. He went through it amid the storm of battle. My friend, Major Englehard, also gallantly rode the field, while General Trimble had a command on it.

How far Pickett was from us I never knew, but he was certainly on the right, as there were no troops on Lane's left in the charge. After the battle it ran through our part of the army that Pickett's division had "redeemed itself." Regretting that I cannot be more serviceable to you in our defence, I am,

Very respectfully,

S. D. LOWE.

LETTER FROM CAPTAIN E. F. LOVILL.

ELK X ROADS, N. C., October 23rd, 1877.

MESSRS. EDITORS:—In answer to your inquiry, I have to say that I was Captain of Company A, Twenty-eighth Regiment North Carolina State Troops, in the battle of Gettysburg, but know from hearsay only, that our regiment captured a part of the enemy's works, and held them for a short time. Some of my men were wounded and captured—inside the works. I am very respectfully, your obedient servant,

E. F. LOVILL.

LETTER FROM LIEUTENANT-COLONEL J. MCLEOD TURNER.

RALEIGH, October 10th, 1877.

MESSRS. EDITORS:—In reply to yours of the 17th ultimo, I will give you my recollections of the part taken by my command on the 3rd day of the battle of Gettysburg; also of the conduct of the troops that acted with and near us.

I was at that time Major, commanding the Seventh North Carolina Troops, Lane's brigade, Pender's division, A. P. Hill's corps.

Soon after midday we were ordered to a position in the woods, and formed the second line of battle, supporting Heth's division, then commanded by General Pettigrew; my regiment being the right of our brigade, with Scales' brigade on our right. We were confronted by that part of the enemy's line known as Culp's Hill. We remained in this position during the cannonading, which preceded the general advance of that day. During a slight cessation in the firing, we were ordered forward. As we emerged from the woods and had cleared the artillery (Pogue's battalion), we were met by crowds of stragglers coming to the rear, and in such numbers that I ordered my men to charge bayonets in order to compel them to go around the flanks of my regiment, to prevent their breaking our line; these men were from Brockenbrough's brigade. On looking to our front, I saw the remainder of Pettigrew's division advancing in fine style, good order and unbroken. We pressed rapidly forward, and in spite of numerous obstacles, such as fences, ditches, &c., the whole line remained unbroken until we had passed over at least two-thirds of the distance from the woods to the enemy's line, when there was a parting of the line some distance to the right of my regiment, which was due to the fact that the left of our brigade understood the "guide" to be "left," whilst on the right the order was "guide right." This opening was but slight and the only material disadvantage was the crowding and lapping of our right on Scales' brigade. Thus far, the line of battle was as good as I ever saw; our loss up to within a few yards of the road had been very slight, as I think the enfilading fire from the enemy's guns on the right had been directed to those in our front. As we neared the road we suffered severely from the artillery fire. When we were in about one hundred yards of the enemy's

works, it being a stone wall in our front, I saw the enemy leave their works and retire precipitately over the hill in their rear, their works being about thirty (30) yards from the top of the ridge. I called the attention of the men to this fact, and the whole line rushed forward with increased vigor, but before they had entirely disappeared, their re-inforcements came rapidly over the ridge and re-occupied the works before we had time to reach the road, here running nearly parallel to both lines of battle—on our right the enemy's line approached nearer the road. This road, known as the Emmettsburg Pike, had a post and rail fence on either side; the first, I ordered the men to rush against and push down, which they did, but having to run up out of the road they did not succeed in a like attempt on the second, and seeing that we were losing time, I climbed over on the right and my men were following me rapidly. I had advanced ten yards or more towards the works, when I was shot down; the men who had gotten over returned to and laid down in the pike, as did the entire regiment. The wound received proved to be a contusion on the instep of my foot, laming me and giving me great pain; in a little while I made my way back and over the fence to the left, where Captain Harris, the next officer in rank to myself, was. I had scarcely turned over the command, when I was shot through the waist, the ball striking the spinal column, instantly paralysing the parts below. For some moments I was insensible, but in a little while became fully conscious and was perfectly aware of everything transpiring around me.

Not up to this time, nor was there afterwards, any attempt of the enemy to come over their works in our front, and it was not until the expiration of nearly, if not quite, half an hour, after we had reached the pike, that Captain Harris and others came to me and said that they were compelled to fall back, as the enemy were coming in on the right, and wanted to carry me to the rear, but as I had made an examination of my wound and thought I could only live a short while, and that they would only endanger themselves the more in attempting to carry me off, I declined and insisted on being left where I was. After the lapse of some minutes, my attention was attracted to our right, and I succeeded in sitting up, when I saw crowds of the enemy advancing from that direction with some prisoners, and assisting the slightly wounded off of the field, one of my old company coming by, bleeding profusely from a wound above the ankle, I took a tourniquet from my pocket and adjusted it to his leg, so as to stop the hemorrhage completely. I mention these minor facts to show that I had sufficiently recovered my faculties to be able to form a correct understanding of what had been and was transpiring around me.

I was removed by two of the enemy from a ditch by the roadside to the field on our side of the road. Our loss in this vicinity was fearful, the dead and wounded lying in great numbers both in the field and in the road. I conversed with the wounded and found that they were, in addition to my own command, from the Eleventh and Twenty-sixth North Carolina troops of Pettigrew's brigade, and that they as a command had been compelled to stop at the road.

by reason of the heavy loss inflicted by the enemy's guns on our right, and I am positive there was no attempt made by those who survived to go to the rear, and as for my own division, commanded by General Trimble, there was neither faltering nor falling back of any part of it that came under my observation. As I was climbing the second fence before alluded to, I saw General Trimble riding only a few yards in my rear, giving an order to an aide. In conversation with General Trimble, since, he told me that he never saw a better line of battle, or men conduct themselves better than those of his command that day.

Now I have written principally of what came under my own observation. I have since learned from members of my command that both officers and men of our regiment and brigade were wounded and captured in the enemy's works, which I think highly probable, as at the time I was first shot, my being within less than thirty yards of their line, our whole line was well up and no doubt parts of it continued to advance after that time. Beside this, the enemy's line being considerably advanced in Scales' front, making a salient angle and consequently nearer the Turnpike would necessarily throw the prolongation of our line, composed at this point of Scales' brigade, into and beyond the enemy's works, which it is claimed was the case by those composing that brigade and such of Lane's men as were thrown with Scales' by means of the lapping above referred to. So much for the points reached by the troops of Pettigrew and Trimble. And now in relation to the length of time they remained in those advanced positions, I am satisfied that the retreat of my own command and those adjacent to us was necessitated by the giving way of those still further on our right and not in the least by any movement of the enemy in our front or on the left. So you will see that the attempt to lay the failure of Pickett to hold his position, on the troops on his left, entirely fails; as I have shown that Lane and Scales not only held their advanced position for near, if not quite a half an hour, but only left it when flanked out by the failure of the extreme right to hold their position.

The above conclusions were the result of my own observations, confirmed by subsequent conversations in hospital and prison with my fellow-prisoners.

Trusting that you may succeed in your efforts to establish the truth in this matter, so often misrepresented to the disparagement of North Carolina troops, I am very truly yours,

J. McLEOD TURNER,
Lieutenant-Colonel Seventh North Carolina State Troops.

LETTER FROM MAJOR J. G. HARRIS.

CHARLOTTE, November 28th, 1877.

MESSRS. EDITORS:—Owing to the formation of the two lines, as I remember them, Pickett's division being on our right would necessarily reach the enemy's lines before we could possibly do so, all moving on same line. And as I remember the facts, and my impression has always been that Pickett

reached the Yankee line, captured a part of them, and was driven back before we could arrive on our part of it. I am sure that Pickett's division fell back and that the right of our regiment, which was under my command after Major Turner was wounded, remained in solid line until it was completely uncovered on our right, by the retreat of Pickett's division, and that the Yankees crossed the works on our right and were advancing on us from that direction before I gave the command, without orders from any source, to fall back, there being no one present who had more authority than myself. The Yankees did not cross the works or pursue in front of our brigade.

General Trimble was in command of our division and rode immediately in front of the flag of our regiment and was wounded at the nearest point to the enemy reached by our regiment.

I remember distinctly that General Lane told me that night that he had met General Trimble's aide as he came off the field, who told him (Lane) that he was on his way to report to General A. P. Hill from General Trimble that his (Lane's) brigade had gone further in the attack than any other brigade on the field. I think if you will apply to General Lane he will remember the circumstances.

We reached a road or pike enclosed on both sides by plank fences about 30 yards from the enemy's works and did not go further for the reason we were not supported, and discovered in a very few moments after reaching this point that the troops on our right were falling back. You will see from the line that Pickett's division might have gone into the Yankees' works and not have gone over as much ground as we who did not enter them at all; this from the peculiar formation of the lines.

I have always understood that Pickett's division accomplished as much as any troops on earth could have done under the circumstances, not being supported. I never understood that we were a supporting line, but on the contrary, having advanced with Pickett's division on the same line of that division, considered the main line of attack, we certainly would be considered the same. I never did know who was to have done the supporting part of that day's work, but one thing I do know, there was devilish little of it sent round our way. It is impossible for me to give the casualties of the regiment, not having any official records before me, but it was very heavy indeed, at least from 50 to 60 per cent. of the officers and men being killed and wounded. I think if you can give me a little time I can give the number of killed and wounded in that fight. I then ranked as Captain and came out of the fight in command.

Hoping these few facts, as I remember them, may be of some service to you,

I am, yours truly,

J. G. HARRIS.

LETTER FROM CAPTAIN J. W. VICK.

SELMA, N. C., September 26, 1877.

MESSRS EDITORS:—I was Captain of Company E, Seventh Regiment North Carolina Troops, Lane's brigade. I was in the charge at Gettysburg on the

3rd day of July, and was wounded near the works and was taken off the field. Our men were advancing on the works in good order when I was wounded. I never knew Lane's men to give way without orders, *and I don't believe they did at Gettysburg.*

Very truly your friend,

J. W. VICK.

LETTER FROM CAPTAIN P. C. CARLTON.

STATESVILLE, N. C., September 26, 1877.

MESSRS. EDITORS:—Your circular to hand. In reply I would say in answer to your inquiries, that I was then First Lieutenant, commanding Company A, Seventh Regiment, Lane's brigade. We advanced to about forty yards of the rock wall. The command to fall back was given by an Aide of General Trimble, so I was informed. Personally I cannot say *who* gave it, but the command was actually given.

There were no troops on our right that were fighting when we fell back; no command near us went any farther than the Seventh Regiment. My company did not reach the works.

In my company 8 killed, 12 wounded and 2 missing; in the regiment 86 killed, 256 wounded and 28 missing. The Seventh Regiment had nearly 400 men who went into the fight on the third day and we came out with 30 odd only.

In the charge on the third day our brigade was on the *right* of Scales' and my regiment was on the *right* of our brigade. I am *positive* there was no musketry fighting within half a mile of our *right*, when we fell back, *or afterwards.*

Very truly and respectfully yours,

P. C. CARLTON.

LETTER FROM ADJUTANT THOMAS P. MOLLOY.

CHARLESTON, S. C., September 29, 1877.

MESSRS EDITORS:—Yours covering a series of questions at hand. In reply I give such answers as I believe to be true; of course after such a lapse of time, one cannot have a very distinct recollection of events, and the time and place was not favorable to close observation.

I was Lieutenant in Company D, Seventh North Carolina, acting Adjutant of the Regiment. There was a road running parallel with the enemy's works, and about 30 yards in front, with a high post and rail fence on the side next the enemy. This fence our regiment reached as an organized body. About half the men and most of the officers crossed this fence, and some of them I think reached the works.

There were no troops on the right when we came to the rear, so far as I could see at the time, and subsequent observation convinced me that there was none.

I know little of Pickett's division from actual observation, as I only caught a glimpse of them a short time before we reached the road mentioned above; they were then very much broken, and did not present the appearance of an organized body of men, such as would be likely to succeed in a charge.

A few, but not over a dozen, of my command reached the enemy's works, some of whom were lost there, but cannot say whether they were killed or captured.

Our regiment was weak at the time, not over 200 strong; our losses I think were about 50, a large number of them were never heard of after the battle. Among the wounded were the commanding officer of the regiment, who was wounded and captured, the Captain of my own company, who lost a leg, and two or three other officers slightly.

I know very little of Pettigrew's brigade; I think it was pretty well used up in the first and second days. I think Colonel Taylor knows of other and more probable causes for our want of success at Gettysburg, than the failure of the North Carolina Troops to support Pickett. For, in my humble opinion, Pickett and the supporting troops on the left, despised as they were, could never have captured the works in their front (and held them) no matter how they fought.

Respectfully,

THOMAS P. MOLLOY.

LETTER FROM LIEUTENANT D. F. KINNEY.

CLEMMONSVILLE, N. C., October 23, 1877.

MESSRS. EDITORS:—Your communication did not reach me until the 20th instant. I cheerfully give you my testimony as regards the Gettysburg fight, in which I was captured. The Yankees broke our lines on our right coming up the turnpike. Most of Company F were wounded and captured. I think there were only three men of Company F that were captured who were not wounded. I do not know how many got back, but my impression is that none got back who were in the road when our lines were broken. I will answer the questions asked in the accompanying paper:

I was Second Lieutenant, commanding Company F of the Seventh North Carolina Regiment. We went to the turnpike road. No orders were given to retreat. I was captured and most of my men. The line was broken some distance to the right. The Yankees fell in on our right and rear, and cut off a portion of the regiment. The balance of the regiment escaped up the turnpike to the left.

No troops were on the right when I was captured, as our troops had given way, and the Yankees were in and across the turnpike.

Your obedient servant,

DANIEL F. KINNEY.

PETTIGREW'S BRIGADE.

LETTER FROM COLONEL JONES, COMMANDING THE BRIGADE.

CULPEPPER C. H., July 30th, 1863.

Colonel H. K. Burgwynn :

DEAR SIR:—Captain Young has shown me a letter of yours in which you request that some one will furnish you with the facts in relation to the part taken by Pettigrew's brigade in the attack of the 3rd instant at Gettysburg—especially the action of the Twenty-sixth in that bloody drama. We have been grossly misrepresented by a correspondent of the *Richmond Enquirer*, as I think can be shown by facts which no one will deny, and which a newspaper correspondent a mile off could not possibly know.

In the first place, the correspondent states that Pettigrew's division was in support of Pickett. This is an entire mistake, and every one knows it but the writer. And here let me state that the division can scarcely be said to be composed of raw troops, just from the South. Archer's (Field's old brigade), Davis' Mississippi brigade, Brockenbrough's (formerly commanded by General Heth), were scarcely raw. Pettigrew's could only have been referred to by the term "raw." Some of these regiments might be considered as initiated at Malvern Hill and numerous other engagements, though not with the Army of Northern Virginia. But, calling this brigade "raw," the more honor to it for not causing the gap spoken of in a later number of the *Enquirer*. But to resume.

Our division was in the front line, on the left of Pickett, and a prolongation of the same line. The correspondent must have taken us for the support, which I am sorry to say did not come. This is the only charitable construction that can be placed on his assertions. Our brigade was on the right of the division, our regiment (Twenty-sixth) on the right of the brigade—consequently immediately on the left of Pickett. When we started we were on the diameter of a circle, and, as we advanced, Pickett following the arc of the circle, necessarily rather contracted the lines perfectly formed. On we went. When we had crossed about half the intervening space, they (the enemy) opened upon us a tremendous shower of grape and canister; but on we dashed, our brigade and Pickett's men. I could see nothing of the rest of our division, as they were too far to the left. My whole attention was directed to our own brigade and Pickett's division, as we had been ordered to keep dressed to the right. When we had gotten within about two hundred yards of the enemy's works we commenced firing, but still advancing. The storm of lead which now met us is beyond description. Grape and canister, intermingled with minnies and buckshot. The smoke was dense, and at times I could scarcely distinguish my own men from Pickett's; and to say that any one a mile off could do so is utterly absurd. On we pushed, and were now right upon the enemy's works, when we received a murderous

fire upon our left flank. I looked to see where it came from, and, lo! we were completely flanked upon our left, not only by infantry, but artillery. Here candor compels me to admit that one of the brigades of our division had given way, the enemy had seized upon the gap, and now poured a galling fire into our left, which compelled the troops to give way in succession, to the right. What could we do now? At the very moment I thought victory ours, I saw it snatched from our hands. With no support upon the left, I asked myself what should we do. I had only about sixty men left in my regiment, and that small number was diminishing every moment, (the others had suffered as badly). The order came from the right to fall back. We did so at the same time with Pickett. The day was lost. You must observe I do not attach any blame to Pickett. I think he did his duty; and if he did we certainly did ours; because I know we went as far as he did, and, I can safely assert, some distance beyond, owing to the shape of the enemy's works, which ran backward in our front, in the form of a curve, and which compelled us to go beyond where Pickett was, already at their works, in order to reach them ourselves. The color-bearer of my regiment was shot down while attempting to plant the flag in the wall. I will here mention a remark made to me afterwards by General Pettigrew. With tears in his eyes, he spoke of the loss in his brigade, and then remarked, "My noble brigade had gained the enemy's works, and would have held them had not ——'s brigade (naming the brigade) on the left given way. Oh! had they known the consequences that hung upon their action, at that moment, they would have passed on."

It is well to remember here that while Pickett's men were perfectly fresh, having never fired a gun, having just come up, our brigade had been terribly cut up on the 1st, especially two regiments. The Twenty-sixth, which went into action, on the 1st, eighteen hundred strong, on the 3rd, only had for duty two hundred men, and not officers enough to command the companies. If some troops can gain so much credit for being defeated, is it not strange that nothing is said of us, when we drove line after line of the enemy from their position like sheep, and pursued them for two miles? What I say of our brigade I might say of the whole division. No troops ever fought better than ours—we were engaged for hours with five times our number, and routed them completely; but our loss was fearful—above fifty per cent.—among them our best officers. Our Major-General was wounded the first day. Captains and Lieutenants were in command of regiments on the 3rd, still we were put in the front rank, the post of honor, and not in support, as the *Enquirer* has it, when there were other troops comparatively fresh who might have taken our place. Does not this show the confidence of our General in us?

Then look at our losses, which, leaving out of account the first day, greatly exceeded those of any other troops. Had General Heth not been wounded or the lamented Pettigrew lived, they could have told a tale that would have made those blush who are now trying to bear off honors so nobly won by others. But alas, we have not even enough left to refute the foul calumnies of

those who would basely endeavor to pluck from our brows the laurels placed there at the sacrifice of so many of our noble companions.

That we still retain the confidence of our commander is shown by our being placed as rear guard, the post of honor, while the other troops were safely crossing the river (Potomac). It was here, in an attack made upon our lines, that the brave Pettigrew fell, while setting an example of heroic courage and presence of mind, to those who had followed him unfaltering, through so many dangers and hardships. In him the brigade sustained its heaviest loss. In him our State lost one of her brightest stars, and the Confederacy one of her ablest defenders.

The above is a hasty sketch of *facts*.

If they will be of any use to you in your noble endeavor to refute the slander on the brigade, you are at liberty to use them as you see fit.

In conclusion, allow me to subscribe myself,

Very respectfully, your obedient servant,

J. JONES.

LETTER FROM LIEUTENANT W. B. SHEPARD, AIDE-DE-CAMP.

HILLSBOROUGH, N. C., September 18th, 1877.

MESSRS. EDITORS:—I have just received your favor of the 15th inst., and will take pleasure in replying to the request contained therein. It is, however, with great hesitation that I enter upon this subject after the lapse of fourteen years, and having only my memory to rely upon as to the events which transpired on that disastrous day. As my account of the assault on the third day at Gettysburg would coincide so entirely with that of my young friend and companion, Captain Louis Young, (which you have already published), I will not undertake a general description of the charge, but confine myself to the points in controversy and my individual experience in the battle. As is well known, General Pettigrew, on that day, was in command of Heth's division, of which his own brigade (the only North Carolinians in the division) formed a part. This division moved forward upon the left of Pickett's, and formed, so far as the nature of the ground would permit, it being intersected with numerous fences, a continuous and unbroken line until its right and Pickett's left had struck the enemy's works, which just in their front projected farther into the valley through which we were crossing than upon either the extreme right or left. Just at this time the left of our division (composed of a Virginia and a Mississippi brigade,) being exposed to a murderous fire, began to give way, and I was ordered by General Pettigrew to ride to the left and try to rally them. I remained with these brigades until I found it an impossibility, and then returned to the right of the division, where I found General Pettigrew with his and Archer's brigades as far advanced into the enemy's lines as any troops that I could see upon our right. A moment afterward we, as well as Pickett's division, were driven back by a superior force, and compelled to

retrace our steps across that bloody plain. I accompanied the remnant of Pettigrew's brigade from the field, and I have no hesitation in stating positively that there were no troops that retired after we did. Certainly I could see none, and as we were upon an open plain, there was nothing to prevent my doing so. General Pettigrew had his horse shot under him and the bones of his left hand crushed by a grape-shot, and yet was one of the very last men to leave the field on that fatal day. To state exactly what point we reached within the enemy's works would be impossible for me at this late day, but as an eye-witness and a participator in the fight, I can truly say that upon Cemetery Hill I saw no troops, either to the right or left, in advance of North Carolinians. That we were supported by a portion of Pender's division I do know, but what part those brigades took in this memorable charge I am unable to say, as I was too much occupied with my own duties for me to observe closely my neighbors. The fact that Pettigrew's brigade went into the battle of Gettysburg with two thousand seven hundred and fifty muskets reporting for duty and eleven field officers, and re-crossed the Potomac with only one field officer and but little over five hundred men, is of itself sufficient proof that no troops ever fought more gallantly, nor more readily laid down their lives in their country's behalf. I served upon Pettigrew's staff as Aide, with the rank of First Lieutenant, for nearly a year prior to his death.

Hoping the above few facts may be of service to you in refuting the slanders sought to be fixed upon the North Carolina troops, and thanking you, not only for myself, but I am sure that I may say for every surviving member of Pettigrew's brigade, for your generous defence of their honor and soldierly bearing, I am,

Truly yours,

W. B. SHEPARD.

LETTER FROM COLONEL B. F. LITTLE.

LITTLE'S MILLS, RICHMOND COUNTY, N. C., September 20, 1877.

MESSRS. EDITORS:—Your favor of the 17th instant is received, and I answer by return mail. I will state your questions in the order you give them, and answer below.

Q. What was your rank and command on the third day of Gettysburg? A. I was then Captain of Company E, Fifty-second North Carolina Regiment, Pettigrew's brigade, Heth's division.

Q. How far did you and your men go to the front, and by whose orders did you and your men come to the rear? A. I was shot down when within about fifty yards of the enemy's works, and the ground between where I lay and the works was thickly strewn with killed and wounded, some of them having fallen immediately at the works, and as to "coming to the rear," very few ever got to the rear at all, *all* the *badly* wounded being taken prisoners; a few only getting back, and they as best they could when all was over. I never heard an order after I was shot, and I have no idea any of my company did. Officers

and men were about that time mowed down so rapidly, and the fighting so hot, that orders could not be heard if given.

I lay where I fell until the fight was over, perfectly conscious, and no retreating men ever passed my line of vision, and I was so situated that I had a good view. I do not think a single one of my men ever got back to the rear, except those who were slightly wounded before they arrived at the place where I was wounded. Those who went beyond, fared as I have before stated. And such was the case with the companies on either side of mine.

Q. Did Pickett's division go any further than your command? A. They did not.

Q. Did any of your men reach the enemy's works? Did you lose any men in the enemy's works? A. When I was taken prisoner and borne to the enemy's rear, I passed over their works, and found some of my men killed and wounded immediately at the works.

Q. What were the casualties in your command on the third day, &c.? A. Of my company three commissioned officers went into the fight—all were wounded, and my company was reduced to a mere squad.

I am sorry that I cannot lay my hand upon the list of casualties of our regiment. But on the third day, our Colonel was killed nearer the works than where I fell. Our Lieutenant-Colonel was shot through both thighs a little to the rear of the Colonel. The Major was mortally wounded very near the works, and I saw him in a dying condition, when I was borne to the rear, lying where he fell. My information is, that every commissioned officer of the regiment was either killed or wounded on the first or third days, except one, and such as were on detached service. The letter of Captain Young, from which you quote, gives the loss of the brigade for the three days of the fight, or rather for the first and third days, not being engaged on the second day.

I take it that the main point that North Carolinians wish to establish in the controversy is, that *Pettigrew's brigade did not give way* on the third, but that it went as far, fought as hard, and suffered *greater* loss than any brigade in Pickett's division, (I have no doubt this latter *can* be established.) His (Pettigrew's) brigade was the only North Carolina brigade in Heth's division, which division was commanded by Pettigrew on the third day. Even if some brigade to our left did give way under a pressure that could not be resisted, or otherwise, it was not a brigade of North Carolinians.

I inclose a letter of Major Jones, of the Twenty-sixth North Carolina Regiment, which you may not have at command, which gives a statement from the lips of General Pettigrew himself. The letter of H. K. Burgwyn, Sr., tells something as to what "sort of stuff" Major Jones was composed of. And Governor Vance can give you any desired information concerning him. Major Jones and Captain Young cover the whole ground, and they, especially the latter, occupied positions that enabled them to be eye-witnesses of a greater extent of the field than was presented to myself. As Captain Young states, the division commanded by General Pettigrew, went forward as a continuation of

Pickett's line, on his left, and in perfect order, and I can say there was no giving way as far as my vision extended up to the time I was wounded, and it seemed to me that in a few moments after, in the words of General Trimble, the brigade was "literally shot to pieces;" and I cannot see how Pickett's troops were any better organized when they reached the works than were Pettigrew's.

The only "giving way" that I could see on the part of Pettigrew's brigade was the "giving way" by falling to the earth, killed or wounded.

I have talked with officers of the several regiments of the brigade, who were near the works when wounded, and their observations as to what transpired around them were very much such as fell under my eye.

I have, very hurriedly, endeavored to give you such information as was at my command. You desired a reply at once, and I have had to write while on the eve of leaving home, and have not put things in a shape for publication, but simply state facts, which you can give in your own words by my authority.

Please do me the favor to return the slip containing the letters of Major Jones and Colonel Burgwyn, when you shall have done with them.

Very truly yours,

B. F. LITTLE.

LETTER FROM HON. JOSEPH J. DAVIS.

LOUISBURG, September 20, 1877.

MESSRS. EDITORS:—Your favor of the 17th, directing my attention to your "controversy with the Norfolk *Virginian* as to the conduct of North Carolina troops in the assault on the enemy's works on the third day at Gettysburg," and asking me to answer certain questions relating to Pettigrew's brigade, has been received and I avail myself of the first spare moment to answer it. Every one who loves North Carolina and who knows that her soldiers were as brave and as true as they were unassuming and modest, must feel that injustice has been done to her by those who have attempted to write histories of the late war, and must feel regret too, that every history that has been yet written has been by persons who, from their very positions, would be naturally biased in favor of the troops of their own State. We can afford to be neglected by these historians, and if we take no pains to set forth the noble deeds of daring of our own soldiers, perhaps we ought to be neglected by them, but we cannot afford to be misrepresented by them, and I am glad to see that you are awakening the attention of our people to the necessity of asserting the truth of history, and seeing that justice is done to the troops which North Carolina sent into the field.

I commanded a company in the Forty-seventh Regiment, which, with the Eleventh, Twenty-sixth and Fifty-second, constituted Pettigrew's brigade. This brigade was engaged in the first and third days' fights at Gettysburg. It bore a conspicuous part in the first day's fight, but such historians as Pollard, Cooke and others seem not to have been aware of the fact. Though Cooke

professes to give an account of the first day's fight, he does not even mention the fact that Pettigrew's brigade was engaged. The advantage on that day was all on the Confederate side, and I aver that this was greatly, if not chiefly, due to Pettigrew's brigade and its brave commander. The bearing of that knightly soldier and elegant scholar, as he galloped along the lines in the hottest of the fight, cheering on his men, cannot be effaced from my memory. He was the only Confederate officer whom I saw engaged in battle on horseback. Historians and others may do injustice to his memory by their silence, but I am sure no one can be found so ignorant as to impute to him a want of any of the qualities that constitute the soldier and the gentleman. I am proud to have served under him, and it gives me pleasure to testify to the gallantry of his brigade in both the first and third days, fights at Gettysburg. Speaking of the first day's fight, his Aide, Captain Louis G. Young, a brave South Carolinian, says: "No troops could have fought better than did Pettigrew's brigade on this day, and I will testify, on the experience of many hard fought battles, that I never saw any fight so well."

I have not the data by me from which to state, with exactness, the strength of the brigade. Captain Young says it carried into battle on the first day about 3,000 men, of these 1,000 or 1,100 were killed or wounded—*not one captured*. On the third we carried into the fight about 1,700 men.

Cooke, in his account of the third day's fight, page 322, says: "The (Confederate) force numbered between 12,000 and 15,000 men; but nearly in the beginning of the action Pickett was left alone, and thus his force of about 5,000 was all that went forward to pierce the centre of the Federal army." And this goes for history! The historian is mistaken—he has been misinformed. I know, of my personal knowledge, that the statement is not true. Again, he says: "The opposing ridges (Cemetery and Seminary) at this point are about one mile asunder, and across this space Pickett moved at the word, &c." and, by his silence as to others, conveying the idea that Pickett alone "moved across this space," whereas I *know* that Pettigrew's brigade, and I am sure the entire line of battle, moved across the space between these ridges in perfect order and under a terrific fire, to within a few yards of the enemy's works and, as testified to by others, entering the enemy's works.

Again, after describing in glowing language, Pickett's "line advancing *slowly* and perfectly 'dressed,' with its red battle flags flying, and the sunshine darting from the gun barrels and bayonets," and giving a graphic account of the exploits of that command, he continues: "A fearful fire of musketry burst forth and struck them in the face, and this hurricane scattered the raw troops of Pettigrew as leaves are scattered by the wind. That whole portion of the line gave way in disorder and fled from the field, which was strewn with their dead, and as the other supports had not kept up, the Virginians, under Pickett, were left alone to breast the tempest, which had now burst upon them in all its fury. * * * The Virginians had done all that could be done by soldiers," &c. Cooke is a better novelist than historian, and he is not so good a novelist

as Sir Walter Scott. To set off and magnify the exploits of his hero, he makes him great and brave among cowards—grossly misrepresents the facts—does injustice to his comrades in a common cause, and slanders men whose devotion and whose bravery on the field of battle were equal (and that is all that is claimed for them) to any engaged in the war. Sir Walter Scott would have made his hero the bravest among the brave—the greatest among the great. Pickett, Kemper, Garnett, Armistead and their men behaved gallantly—fought well and bravely—but what these historians say about the North Carolina troops under Pettigrew, whether uttered for the purpose of showing off by contrast, their own favorites, or for the purpose of fixing upon others the responsibility of the fatal result at Gettysburg, is untrue.

Pollard represents Pettigrew as supporting Pickett, and so does Cooke. I have not seen Colonel Taylor's article, but I infer from an extract that he does the same. I well remember that it was understood on the morning of the third day's fight, that Pettigrew's brigade was to support Pickett, and it first formed in his rear to support his advance, but afterward, for some cause, the disposition of the troops was changed and Pettigrew's brigade was marched to the left and formed in a line with Pickett (one brigade intervening), and advanced simultaneously and on the same line with him. This caused no "confusion" in Pettigrew's brigade, but I think it has "confounded" the historians. The error was first propagated in the newspaper reports of the day and has been perpetuated by these historians. I know that Pettigrew's brigade advanced in good order across the space between Seminary and Cemetery Ridges, under a terrific fire, and I believe the facts to be truly stated by Captain Young, when he says: "The ground over which we had to pass was perfectly open, numerous fences, some parallel and some oblique, to our lines of battle, were formidable impediments in our way. The position of the enemy was all he could desire. From the crest upon which he was intrenched the hill sloped gradually, forming a natural glacis, and the configuration of the ground was such that when the left of our line approached his works, it must come within the arc of a circle from which a direct, oblique and enfilade fire could be, and was, concentrated upon it. Under this fire from artillery and musketry the brigade on our left reduced almost to a line of skirmishers, gave way. Pettigrew's and Archer's brigades advanced a little further and in perfect continuation of Pickett's line, which arrived at the works before we did, only because it jutted out in his front, and because his had to move over a considerably shorter distance. The right of the line, formed by Archer's and Pettigrew's brigades, rested on the works, while the left was, of course, further removed, say forty to sixty yards, subjected to a fire even more fatal than that which had driven back the brigades on our left, and the men listening in vain for the cheering commands of officers, who, alas! had fallen, our brigades gave way likewise, and simultaneously with it the whole line." In addition to the advantage in having a shorter line to traverse, Pickett's division, as Cooke himself states, had "just arrived and was fresh," while the other troops had been heavily engaged.

My company was next to the extreme left of the regiment, and when not far from the enemy's works, say not more than one hundred yards, a Sergeant of an adjoining company (Sergeant Gilliam, I think, of Alamance,) called my attention to the fact that the troops to the left of us were giving way and stated that all his officers had been shot down, and asked what to do? I looked and saw that at some distance to the left of us the troops had given way, but our supports were then advancing in admirable style, and, I think, not more than one hundred and fifty yards to our rear. I called the Sergeant's attention to this and said: "Our supports are coming and we can whip them yet." Colonel Graves, who was to the right of me, had kept the regiment well in hand, and was urging the men on, and we advanced fifty or sixty yards further and to within thirty or forty yards of the enemy's works (nothing but the road intervening), when I discovered that the day was lost. The supports had not come up, and, as far as I could see on either side of me, our troops had given way.

Further resistance could accomplish nothing, and retreat at this time seemed hopeless, for to the left of us the enemy were already pouring over his works in pursuit.

I am very truly,

JOS. J. DAVIS.

LETTER FROM MAJOR A. S. HAYNES.

LINCOLNTON, N. C., October 8th, 1877.

MESSRS. EDITORS:—Yours of the 3rd inst. to hand with circular, and in reply I beg leave to state that in the fight on the third day at Gettysburg, I was Captain of Company I, Eleventh North Carolina, in Pettigrew's brigade.

I was shot down near the cemetery wall and was insensible for a time. When I recovered, our line was gone; when shot we were in line, going towards the cemetery wall, having crossed the last fence. I crawled through their lines to our own; could not walk; got through at eleven o'clock at night; I was on the field all the evening; I thought every one had been shot down.

There were no troops that I could see on the right after our line had been cut down. I do not think Pickett's men marched any further than did ours. We lost men just in front of the enemy's works. Cannot answer as to any fighting in the works, as I was *hors du combat*, just at that time having been shot in my chest and shoulder and my right fibulae fractured. I do not know the number of men in the brigade. In my company at the fights around Gettysburg twenty were killed and all wounded but two, out of seventy-eight.

All that went in on the third day were cut down. The orders came along our line to dress our line under that galling fire, which was done twice; were going too fast for the right and left of the long line and drawing a very heavy fire. When we dressed the line I did not see one falter; this was taken for wavering, when it required more courage to dress a line under fire than to continue the charge.

I was in about fifty yards (I think nearer) of the wall, when I was shot down; so says Lieutenant O. A. Ramsour, who saw me fall. He bears witness to the giving way on our left, and says we dressed our lines under that galling fire. *I was dead awhile.* After this, was shot down again, and I cannot tell much, as I was so much used up that I did not know much.

I had no one in my company to fall back; up to the time I fell, no one fell back from our regiment, that I saw. We were all cut down—no one but wounded left in my company, save two.

On our left there was something gave way. Will give an instance. Was on the field twelve days; had a nurse for the wounded of my company. A soldier from a company in Brockenbrough's command, who was shot through the body, came to me and said: "I cannot live long," and asked to have my nurse to wait on him: he ate with me and went to David's Island with me, came to see me every day. As I had cared for him, when I asked him why he did not go with the wounded of his company on the field, he told me there were none wounded but himself, and none killed in his company. Here is a marked difference between the two companies, his and mine. The statistics of the casualties will certainly show who gave way and who fought. If our command had run off, so many of them would not have been killed.

A. S. HAYNES.

LETTER FROM LIEUTENANT W. N. SNELLING.

NEAR RALEIGH, N. C., September 25, 1877.

MESSENGERS. EDITORS:—Your communication dated September 17th, came to hand last night—I hasten to reply.

To the best of my knowledge at this time, Colonel Taylor is certainly mistaken. I was an eye-witness of the whole assault, and one of the last that left the works.

Question 1st. I was a Lieutenant of Company B, Twenty-sixth Regiment (Pettigrew's). 2nd. We went to an old road some ten steps in the rear of the rock fence, behind which was the enemy, and came to the rear by orders of some officer in Pickett's command. Know not the rank. 3rd. There was troops on our right when we came to the rear, but I disremember what command other than Heth's division, to which I belonged. But very few at best. 4th. Pickett's division did not go as fast as our command, yet they reached the enemy's works and were repulsed ere we reached the old road I previously mentioned, the cause of that, as best I could see, that the enemy's lines were as here described. [Here the writer gave a diagram of the road and two lines of battle, showing that the works jutted out where Pickett struck them.]

Consequently they reached the point described and were driven back, ere we reached the old road. 5th. None of our command, that is Burgwyn's regiment, did not, but I think some of our division reached it before they

retreated back to the road where the larger portion remained and were captured. 6th. I do not think we lost any men beyond the works. 8th. The casualties in our command were heavy, both killed and wounded; we also had a good many captured that could not get away from the old road. 9th. I cannot tell the number of men carried into the fight on the third day, as we were cut to pieces so badly on the first day. But the North Carolina troops did as much, went as far and fought longer than did Pickett's division on that day.

Yours respectfully,

W. N. SNELLING.

LETTER FROM CAPTAIN GEORGE WILCOX.

CHERAW, S. C., October, 1877.

MESSRS. EDITORS:—I regret very much that I am unable to answer your questions in the circular sent me. I was severely wounded on the first day and saw no more of the fighting after that day. The Twenty-sixth Regiment, to which I belonged, could not have carried in on the third day much more than 150 men; it lost five hundred and forty-three men killed and wounded on the first. My company went in on the third day with ten or twelve men, commanded by a Sergeant, and lost about half killed and wounded. There was not a man of my company taken prisoner on either day that recovered from his wounds. The condition of all the companies of the regiment was about the same as Company H (mine). The Eleventh Regiment was in about the same condition; the Forty-seventh and Fifty-second were not quite so bad when they went in on the third day. If I am not mistaken Pickett's men were fresh and had hardly fired a gun till that charge. Pettigrew's men were just the reverse; any one who knows anything about it can imagine the very great disadvantage that Pettigrew's men labored under in the front line with Pickett's, and it always seemed strange to me that they were put there in that condition.

I was in the hospital in Richmond soon after the fight and the Richmond papers commenced this same slander on Pettigrew's men. I took the papers containing a list of the casualties in all of Pickett's brigades, and after a correct calculation found that the Twenty-sixth Regiment North Carolina Troops had more men killed and wounded in the fights at Gettysburg than any one of Pickett's *whole* brigades. The most of Pickett's loss was in missing and prisoners; while Pettigrew's, in his own language, were on the battle-field and in the hospitals.

What I have written I am afraid is worth nothing, but I feel so much interest in the subject that I could not help it. With my earnest sympathy for you in this controversy and best wishes for your success,

I am, very respectfully yours,

G. WILCOX.

LETTER FROM LIEUTENANT GASTON BROUGHTON.

RALEIGH, N. C., October 15, 1877.

MESSRS. EDITORS:—In reply to your communication, I beg leave to say that at the third day's fight at Gettysburg, I was Lieutenant commanding Company D, Twenty-sixth Regiment North Carolina Troops; we crossed the road and went to the enemy's works, where we continued firing, until, with most of the regiment, I was captured. The Forty-seventh Regiment was on our right as we went into the fight. Pickett's division went no further in the fight than we did. Our men, as I have stated, reached the enemy's works. We were captured after being at the enemy's works some ten or fifteen minutes, the enemy closing in on us from our rear. In my company there were five killed, six wounded and five or six missing; we went in with only about twenty-five men.

Very respectfully,
GASTON BROUGHTON.

SCALES' BRIGADE.

LETTER FROM ADJUTANT-GENERAL MCINTYRE.

MESSRS. EDITORS:—Your letter and circular of a recent date to hand. Having been deprived of all the records of my office at Appomattox Court House, Virginia, at General Lee's surrender, I am wholly unable to give you anything approximating the strength of "Scales' brigade," in which command I had the honor of acting as Adjutant-General on the memorable third day at Gettysburg, and having only been appointed to fill that position on the evening of the first, I had but little opportunity of knowing much of what disposition was being made of our own troops or those of the enemy. I will, therefore, answer your questions as far as I can, and leave those I cannot, blank.

My rank was First Lieutenant and Adjutant of the Thirty-eighth North Carolina Troops and Acting Adjutant-General of Scales' brigade, Colonel Lowrance commanding. My brigade, or a large portion of it, went inside the enemy's works. We left by order of Major Englehard, Assistant Adjutant-General of Pender's (now Trimble's) division, and my own orders. Lane's brigade was on our right as we retreated, and General Lane himself came out as I did. I know nothing of Pickett's division. A large portion of my command reached the enemy's works, or at least, a majority of those that were neither killed nor wounded. I lost a large portion of officers and men, killed or wounded. I suppose we held the works some fifteen minutes or more. I cannot approximate our loss, but it was very large. I know nothing of Pettigrew's brigade.

I recollect very distinctly seeing two of the officers of my own regiment surrender to the enemy inside their works, and they are both now living, and perhaps could give you some information; they are Captain A. J. Brown,

White Hall, Wayne county, and Lieutenant H. C. Moore, Faison's, Duplin county, both gallant officers. I very much regret that I am unable to give you a detailed account of the whole proceedings, for I am unwilling to remain silent and see the heroism of our valiant sons deteriorated, and their blood-bought laurels placed on undeserving brows by those who were not participants of the great conflict, but simply observers of the occasion. It would be far from me to assume anything to the credit of North Carolina's sterling sons, which they did not merit in these ever memorable battles, but I know they did *their duty*, and performed the task assigned them fearlessly and nobly.

Anything I can say for the vindication of our troops on that memorable day, as far as my recollection of the truth of the fight serves me, you shall cheerfully have.

Very respectfully,

D. M. MCINTYRE.

LETTER FROM COLONEL E. B. WITHERS.

DANVILLE, VA., October 8, 1877.

MESSRS. EDITORS:—I was painfully wounded at Gettysburg on the first, and was not in the charge on the third. Captain L. B. Henderson, of Company A of the Thirteenth, was in the charge and was wounded in thirty feet of the enemy's first line of works. He says that when he was wounded, the troops on the right and left had given way, and that the brigades of Lane and Scales had suffered greatly—more from the enfilade fire on the flanks than in front. When wounded, the troops were entering the first line of breastworks, having entirely driven out the Federals. He further informed me that a Federal officer, who attempted to rally his men, shot with his pistol, private Tollin, of Caswell. He says that the Yankees fled into the second line, and that our men only retired after the enemy on the right and left closed in upon them. He was carried to the rear, and had opportunities to know the truth. Captain Henderson (now Dr. L. B. Henderson, a Dentist at Yanceyville,) was a gallant and faithful officer, and his statements are perfectly reliable.

Major-General Trimble, of Baltimore, has written an account of the behavior of Lane's and Scales' brigades in this battle, and you will find it not only a clear and full description of the charge, but a complete defence of these North Carolina troops. The letter was written to correct statements made in a speech delivered in Richmond in 1875, before the Southern Historical Society, by Major Daniel, of Lynchburg. He says that his attention was called to the fact that Pickett's men had retired and that his command alone was intact; that he ordered them to retire after advancing as far as the farthest, and that at the time he did so he knows there were no other troops upon the field. I have tried to get this letter for you, and have no doubt General Trimble will furnish you with a copy.

I am satisfied that all the slander heaped upon Pettigrew's men has been caused by the bad conduct of the Virginia brigade in Heth's division, and I

will say this; if this brigade fought on the third, it must have caused great surprise to those associated with it, but the accounts of the different persons who have attempted to describe this battle speak of all of Heth's troops as Pettigrew's, and so this mistake arose.

If I can assist you in getting a statement from Captain Henderson I will do so with great pleasure, but I am satisfied that the letter of General Trimble will furnish you with the information you desire. The Thirteenth Regiment was commanded on the third by Captain Robinson of Mecklenburg. My recollection is that the list of killed and wounded in General Pettigrew's brigade exceeded greatly, in proportion to the number present, that of Pickett's.

I have just seen Captain H. L. Guerrant, of Company K, Thirteenth Regiment North Carolina Troops, acting Brigade Inspector at Gettysburg, and he informs me that Scales' brigade entered the Yankee breastworks at Gettysburg and remained in possession until driven out by the enemy advancing upon their flanks. Captain Guerrant was present and was a participant in the charge. My recollection is that Pettigrew's brigade alone lost more than half as many men as Pickett's entire division. Pickett's men were fresh, had not been engaged in the fighting on the two previous days, while Scales' and Pettigrew's brigades had lost fully one-half of their men. My own regiment lost on the first day more than one-half, and yet I can produce affidavits from living members of the three companies from Caswell, and, I have not a doubt, from all the other companies of the regiment, of the fact that Scales' brigade not only entered the works of the enemy, but were among the last, if not the very last, who retired. North Carolina's dead at Gettysburg greatly exceeded that of any other State, and I doubt if the casualties from all the other States were in excess.

Very truly,

E. B. WITHERS.

LETTER FROM ADJUTANT NAT. S. SMITH.

MESSRS. EDITORS:—What a private soldier or a subaltern officer sees of a general engagement is confined to the part taken by his own regiment and frequently to his own company. Even the Colonel of a regiment who does his duty to his own men, can see but little that goes on in other commands. But opportunities for observation were fine at Gettysburg, owing to the wide, open field in which the battles took place.

My regiment, Thirteenth North Carolina, Scales' brigade, numbered one hundred and eighty men in the first day's fight at Gettysburg. We were drawn up on an eminence fronting Seminary Hill, our left resting on the main road leading to Gettysburg from Cashtown. There was a line of battle in our front which we were to support. After the front line had engaged the enemy, we were ordered to advance, which we did at a quick-step, the batteries on Seminary Hill playing on us from the moment of starting. Between us and Seminary Hill was a second hill, which on reaching, screened us from the batteries. Just below the crest of this hill we passed the Forty-fifth Virginia, which was

safely sheltered from the enemy's cannon and musketry. Twenty to thirty yards more brought us to the summit of this hill, about one hundred and seventy yards from the heights. The enemy, posted behind a fortification of rails, poured upon us, as we descended the opposite side of this hill, a galling fire of grape and musketry. We advanced to within fifty yards of the enemy, when we were ordered to halt and lie down in the plain, open field. The order was passed down to us from the right of our line. We had no casualties up to the time we passed the Forty-fifth Virginia Regiment, but in the advance of one hundred and twenty-five yards from the summit of the second hill to the point at which we halted, we lost one hundred and fifty men, leaving only thirty men in our regiment. We were not engaged thirty minutes before the enemy evacuated the hill. On re-arranging our line, we found that, owing to our severe loss, our line was too short to reach the road on our left; fearing the enemy might take advantage of this gap in our ranks, I went back to the summit of the hill in our rear, to General Scales, who, though bleeding from his wound, still kept the field, and told him our situation. He had observed it and was beckoning to the Forty-fifth Virginia to join in our left. But waving my handkerchief and explaining our situation, they reluctantly advanced and formed on our left. There was no other engagement that day. On the third day we were recruited to forty-five men and this number we carried into the fight. Our part of the line advanced splendidly and the enemy were driven from the works in our front. In the action we lost twenty-three men killed and wounded, and some few were captured in or about the works. I cannot remember, in the confusion that ensued, whether we received an order to retire or not, but our men acted well, and retired only when no hopes were entertained of holding the works. We were among the last, if not the last, who reached the rear.

Yours truly,

NAT. S. SMITH,

Acting Adjutant, and in command Thirteenth Regiment in third day's fight.

LETTER FROM LIEUTENANT J. D. BASON.

REIDSVILLE, N. C., September 28, 1877.

MESSRS. EDITORS:—In reply to your circular asking information as to the conduct of Scales' brigade, Pender's division, A. P. Hill's corps, in which command I was Captain, in command of Company E, Thirteenth North Carolina Troops, I am unable to answer your questions in order, from the fact that I was severely wounded in the first day's fight, just after General Pender was mortally wounded, consequently was unable to take any part in the third day's fight. Our command was so completely used up in the first day's fight, at least in my own company and regiment, that to my recollection there wasn't more than forty or fifty men of the regiment left for duty. Consequently from the above facts, I am unable to give you the information you desire. It may be that Pickett's men were not engaged in the first or second days, if so, perhaps, didn't suffer as our command did.

Respectfully, &c.,

J. D. BASON.

LETTER FROM JUDGE B. F. CARPENTER.

"The following is written to us for publication by a plain Gaston county farmer, one who went into the war when but sixteen years old, and who continued up to the surrender. He was an eye-witness of what he writes about, and speaks the truth as he knows it. — *Charlotte Democrat*, November 12th, 1877.

EDITOR OF THE CHARLOTTE DEMOCRAT:—Permit me to say through your valuable paper, that there is a serious mistake made by the writers from General Pickett's division of Virginians in regard to the battle of Gettysburg, Pennsylvania. We, the soldiers of North Carolina, get no credit for the work we did on the first and last days at that place. The immortal Pender (whom General Lee complimented as second to none) took the town on the first day, supported by Heth's and Rodes' divisions. Had we been permitted to go on there would never have been a second day's battle. General Pender requested that he be permitted to take and occupy the heights with Lane's and Thomas' brigades—they not having been engaged in the charge, but were acting as a support to Scales' and McGowan's brigades. General Scales' brigade was nearly annihilated, having charged the battery in front of the female college. We, Scales' and McGowan's of Pender's, Pettigrew's and Archer's of Heth's, and Iverson's of Rodes' divisions, were the chief sufferers on the first. We did but little heavy fighting on the second, but on the third, at the time it has been said no one charged but Pickett's division, we charged and went to the works and some of the men were on the works with the colors of (if I mistake not) the Sixteenth North Carolina, when Pickett's division run (what did not surrender), letting the enemy flank us, so that we had to about-face and cut our way back. This was the first time Pender's old brigade failed to take and hold a position. Had Pickett's men stood their ground as the rest of the army did, the day would have been ours. I believe their running caused the loss of the battle of Gettysburg. Had all the other troops acted as they did, Meade would have gobbled up all of Lee's army before we could have reached the Potomac, as they could not be rallied on the field, neither could they be stopped till out of reach of shot and shell. I think that General Scales lost about nine-tenths of his brigade. If this was not fighting with a vim, I would ask the sore-backs what was.

B. F. CARPENTER,

Company E, Thirty-fourth North Carolina Regiment, Scales' Brigade.

LETTER FROM COLONEL JOHN ASHFORD.

CLINTON, N. C., September 18, 1877.

MESSRS. EDITORS:—Your note of the 17th inst. is at hand, and I hasten to reply.

I was Lieutenant-Colonel Thirty-eighth North Carolina Troops at that time, but was commanding the Twenty-second North Carolina Troops, Scales' bri-

gade. Was wounded in the engagement of the first of July, and was not in the engagement of the third.

The Thirty-eighth North Carolina Troops were engaged in the charge of the third; lost two officers, captured beyond the works, Captain Alsa Brown of White Hall, Duplin county, and Lieutenant Kerns of Randolph county. If you will write to Captain Brown or Lieutenant D. M. McIntyre of Mt. Olive, Wayne county, who were engaged but not captured, and Adjutant of the Thirty-eighth at the time, they will give you the facts, and what they may say you can rely upon. The Thirty-eighth lost about thirty prisoners beyond the works, besides quite a number killed.

I think that Captain Brown and Lieutenant McIntyre will corroborate the statement of Major Englehard, as published by *The Observer*, and as was detailed to me by both officers and men engaged in the charge.

I am proud to see that there is one journal and one North Carolinian who speak out for North Carolina when her honor and rights are assailed. And whatever facts I may be able to gather from a reliable source, I will send you.

Yours respectfully,

JOHN ASHFORD.

LETTER FROM ADJUTANT H. C. MOORE.

WARSAW, November 6th, 1877.

MESSRS. EDITORS:—I with pleasure answer your inquiry of the 2nd inst., and tell you what I know about the third day's fight at Gettysburg. I was a Lieutenant in Company A, Thirty-eighth North Carolina Regiment, Scales' brigade, and was that day acting as Adjutant of the regiment. After the artillery duel had ceased on the evening of the third day, we were ordered forward. As we emerged from the skirt of woods into the open field a grand sight met our view. The Federal lines were, I think, nearly or quite three-fourths of a mile from our line. We could see about a mile of the enemy's works. Other troops were in advance of us. I was told since the battle that Pickett's division was on our right. They appeared to be on a line with the troops in front of Scales' brigade. We suffered very little from the enemy's fire, until about half way across the field. We came to a strong fence running diagonally across the field, and as we had it to climb, it deranged our line very much. We were now greeted with heavy doses of grape and canister. Our men were falling in every direction, but we managed to struggle on with a tolerably good line as we had re-arranged it the best we could. We were now about two hundred yards from the enemy's line and were exposed to a severe musketry fire. Our first line was now retreating and the men passed through our line. They had suffered a heavy loss as the men were lying thick on our front. About one hundred and fifty yards from the enemy a part of our line struck another fence which confused us considerably. The fire from the enemy's artillery and infantry was now terrible, and we were reduced to a mere skirmish line. We reached another fence, which was on the side of the road.

Here we halted and endeavored to re-form our line with the men who had become mixed up from different commands. I spoke to Captain A. S. Cloud, who was that day in command of the Sixteenth North Carolina Regiment, and asked him what we should do. He replied "we will hold on here until we get help." I looked back and saw some of our troops apparently moving in our direction, but they were some distance in the rear. They finally disappeared and I suppose they were ordered back.

Our men kept up a weak fire through the plank fence. The enemy's fire slackened and we climbed the fence and attempted to advance. They rushed out from their works to meet us, and we were then fired on by a flanking party on our left who closed in upon us and compelled us to surrender. We were then at an abandoned battery a few feet in front of their infantry line. I now perceived that they had been protected by a cut in the road which seemed to run parallel with the road we had crossed and I supposed forked off from it. Some of our men attempted to escape but were shot down. We had heard no order to retreat, and I don't think any such order was given. After our party was captured there was a lull in the firing along the whole line; a shell would be thrown occasionally. We had not been in the enemy's line more than five or ten minutes before a courier came galloping down from the enemy's left and spoke to an officer (a Federal General) and said: "General, we are all right." Judging from this the whole Confederate line was then repulsed. There was then no firing of small arms at all within hearing. The last I saw of the troops on our right they were moving forward and within a few yards of the enemy's line, but they were then wavering somewhat. I perceived that they had been much less exposed than our portion of the line, as they had a much shorter distance to go across the field. The ground on the right was also undulating, which was some protection to them as they advanced. I knew no commands in that charge then except Scales' and Lane's brigades. I know nothing of the number of men in Pettigrew's brigade, or their position on that day. If they were in our front they certainly lost many men, as the field was dotted with the dead and wounded. They certainly behaved admirably under fire in the first day's fight, as I had a good opportunity of seeing them. The Thirty-eighth North Carolina Regiment, I have understood, numbered only forty men after the third day's fight, and was commanded by a First Lieutenant. I saw every man in my company shot down before we surrendered, except Lieutenant A. J. Brown, who surrendered with me. Adjutant D. M. McIntire, who was that day acting as Brigade Adjutant-General of Scales' brigade, was one of the few who managed to make his escape. There was not a more gallant officer in the Confederate army than he was.

I suppose there was no difference in the fighting qualities of Virginia and North Carolina troops. Why should there have been any difference? Colonel Taylor would hardly say so himself. He speaks the truth when he says Virginians fought well. I had supposed that North Carolinians went as far on

that fatal day as the Virginians. In all battles there are some points on the line where troops suffer more than they do at other points.

To do North Carolina troops justice would not detract from the honor to which Virginia troops are entitled. I have frequently heard Virginians compliment North Carolina troops, especially at the battle of Fredericksburg.

Had there been no fence in the way in the third day's fight at Gettysburg I think Scales', Lane's and Pettigrew's brigades would have driven the Federals from their line. I found a few Confederate soldiers prisoners in the enemy's line when I surrendered; also one dead man. Where these prisoners came from or how they got there I never ascertained. My opinion, I suppose is not worth much, as I occupied a very subordinate position on that day, but as you have asked me for it I cheerfully give it.

Respectfully,

HENRY C. MOORE.

LETTER FROM CAPTAIN W. L. THORNBURG.

COMPANY SHOPS, N. C., September 25, 1877.

MESSRS. EDITORS:—Yours of the 17th, making inquiry as to the conduct of Pettigrew's (Heth's) division as well as the brigades supporting it (Scales' and Lane's) at the battle of Gettysburg, received. I was a member of Scales' (formerly Pender's brigade), Captain of Company H, Thirty-eighth North Carolina Regiment, and on the second and third days had command of the Thirty-eighth North Carolina Regiment.

On the third day, after being exposed for several hours to the enemy's shells while supporting our own batteries, we were ordered to advance, and the commands above referred to moved off towards the enemy (facing a perfect shower of bullets and shells) in as good order and as gallantly and as determinedly as they had ever done upon any battle field.

My command had advanced I suppose half a mile in the open field when I was shot down; was shot before our command commenced firing.

Don't think we were very far from the enemy's works, as we were charging exposed to a galling fire of musketry from the enemy. The conduct of my regiment as well as brigade up to this time had been indeed commendable, acting bravely, with a determination, seemingly, to storm and take the enemy's works. Did not notice any troops falling back either on the right or left.

I would say it was an hour, or perhaps longer, after I was shot before they succeeded in getting me entirely out of danger. During this time (though I was suffering intensely, still I was conscious of everything going on), did not notice any of my command falling back. My understanding has always been that my command, as well as the others here referred to, went as far as any other troops and fought as bravely. I know it was not characteristic of my

brigade (General Scales') to falter, and I can say equally as much for General Lane's.

I am still of the opinion that our troops are entitled to as much of the glory of that day's fight as any others.

Yours truly,

W. L. THORNBURG.

ARCHER'S BRIGADE.

REPORT OF COLONEL SHEPHERD COMMANDING.

[We append the following as an act of simple justice to a small but devoted band of patriots and soldiers with whom North Carolinians fought side by side until they loved them indeed like brothers.—EDS.]

* * * * The line, both to the right and left, as far as I could observe, seemed to *melt away*, until there was little of it left. Every flag in the brigade except one, was captured at or within the works of the enemy.

“The First Tennessee had three color-bearers shot down, the last of whom was at the works, and the flag captured. The Thirteenth Alabama had three in the same way, the last of whom was shot down at the works. The Fourteenth Tennessee had four shot down, the last of whom was at the enemy's works, and the flag was only saved by Captain Morris tearing it away from the staff and bringing it out beneath his coat. The Fifth Alabama also lost her flag at the enemy's works.

“There were seven field officers that went into the charge, only two of whom came out.”

CHAPTER VII.

A. D. 1863 TO 1864.

Fall of Vicksburg and the injustice to General Pemberton—Depreciation of Confederate money—Desertions—Case of Edward Cooper—North Carolina finances—Messrs. Moore, Phillips and Winston—George W. Mordecai—The Advisory Board—Governor Winslow and Colonels Guion and Bradford—Colonel Barnes—General Clingman at Charleston—D. H. Hill at Chica-mauga—General Thomas and Colonel Junius B. Wheeler—The North Carolina Cavalry—Battle of Fleetwood—Battle of Bristoe Station—Contest in First Congressional District—Senator Davis—Governor Graham—Members of Confederate Congress from North Carolina—Affairs of law—Rogers, Attorney-General—French and Ruffin, Judges—Reade and Shipp also Judges—Skirmish at Harrellsville—Confederate prices—Death of ex-Governor Branch—Wilmington avoids the blockade—Affairs in Albemarle—Good conduct of the negroes—Death of Solon Borland—General Pickett assails New-Bern—Death of Colonel Shaw—Battle of Shepherdsville and retreat—Death of Judge Manney—General Hoke and the capture of Plymouth—The Ram *Albemarle*, and Cook's naval battle off the mouth of Roanoke River—Battle of the Wilderness—Death of Colonel Garrett—Battle of Spottsylvania Court House—B. F. Butler bottled up at Bermuda Hundreds—Cavalry reverse at the Yellow Tavern—Deaths of Generals Stuart and James B. Gordon—Cold Harbor—Bravery of General Clingman and his brigade—Condition of General Lee's army—Siege of Petersburg—Battle of Winchester, and death of General Ramsour—Governor Vance defeats W. W. Holden for Governor—Battle of Beams' Station.

The great disaster in Pennsylvania was followed by one of equal magnitude to the Confederacy on the far-off shores of the Mississippi River. General Grant, after several preceding victories over Lieutenant-General Pemberton, had forced him back into Vicksburg, and invested that strongly fortified and important position. After a siege of six weeks the beleaguered garrison, numbering twenty-three thousand men, for want of provisions, was surrendered prisoners of war. This blow put the whole Mississippi River into the enemy's hands. Great grief followed the announcement. Bitter censure and cruel suspicion were visited upon the head of unfortunate Pemberton. He was a

Northern man, who in good faith espoused our cause, and merited more generous treatment. Stung by the foul taunts of the press, he resigned his position as Lieutenant-General, and served through the remaining years of the war as a Lieutenant-Colonel of ordnance.

By this time Confederate money had greatly depreciated in value. In eight months it had sunk from *par* to but five per cent. of its nominal worth. It is impossible to estimate the influence of this evil upon the fortunes of the struggling South. The authorities of our own State were doing all they could to relieve the pervading want amid the families of the soldiers, but the most enormous public charity could but reach a tithe of the needs of the many thousands of suffering women and children.* The case of Edward Cooper, tried before one of the courts-martial of the Army of Northern Virginia during this very year, will account for the frequency of desertions at that and subsequent periods of the war. The prisoner was charged with desertion. He declined the use of counsel. The Judge-Advocate opened the case and clearly proved his guilt. The accused was told to produce his witnesses. He said that he had none, and his only defence was a letter from his wife, which he handed to the President of the Court. It was as follows:

My Dear Edward:—I have been always proud of you, and since your connection with the Confederate army, I have been prouder of you than ever before. I would not have you do anything wrong for the world, but before God, Edward, unless you come home, we must die. Last night I was aroused by little Eddie's crying. I called and said, "what is the matter, Eddie?" And he said, "O mamma! I am so hungry." And Lucy, Edward, your darling Lucy; she never complains, but she is growing thinner and thinner every day. And before God, Edward, unless you come home, we must die.

YOUR MARY.

The President, General Cullen A. Battle, and other members of the Court were melted to tears, and asked the artilleryman what he did upon the reception of the letter. He replied, that he had made three separate and ineffectual applications for a fur-

*Governor Vance's White Sulphur Springs Address.

lough, and then resolved, at whatever cost, to visit his home. Upon meeting his wife, she was broken-hearted at learning his absence without leave, and "I am here gentlemen," said he, "not brought back by military power, but in obedience to the command of Mary, to abide the sentence of your Court." Edward Cooper was found guilty of desertion and sentenced to death, as it was the plain duty of the Court. But the greatest and most merciful of men was in command of that army, and upon reviewing the case, General Lee approved the finding, but pardoned the prisoner and ordered him to report for duty to his battery.*

The State of North Carolina had been issuing millions of funds based upon its own credit. These, likewise, underwent an equal depression with the funds of the Confederacy. Alas! there was no Southern Salmon P. Chase or Alexander Hamilton to realize the immense advantage the cotton supplies should have given, in creating credit at home and abroad, as, under wiser management, would have been entirely feasible.

In the beginning of the war, Governor Ellis had appointed as a board of audit and general fiscal advice, Bartholomew F. Moore of Wake, Samuel F. Phillips of Orange, and Patrick Henry Winston of Bertie. Mr. Moore added great financial success to his extraordinary legal acquirements. Mr. Phillips, the oldest son of Rev. Dr. James Phillips, was prominent at the bar, profound in his scholarship, and alike massive in his physical and mental development. He has won national consideration in his profession, and is now Solicitor-General of the United States. Mr. Winston, born and reared in Franklin county, early removed to Bertie, where he married the gentle sister of Major Frank Bird, who was promoted for gallantry at Gettysburg. Like Mr. Moore, Mr. Winston united much financial prudence and success to his abilities as a jurist, and was a worthy coadjutor of his distinguished colleagues. There was another Patrick Henry Winston, who was Reporter to the Supreme Court, and a lawyer of great erudition. He did not rival his

*General Battle's Speech at Tuscumbia.

namesake in his gifts as an advocate, and was only a man of technical knowledge in his profession. The Bertie representative of the name has fine literary acquirements which he hides in inimitable and somewhat grotesque displays of his unfailing humor. Perhaps, under the circumstances, North Carolina's finances could not have been better managed than under the auspices of these gentlemen. The State, too, was greatly benefitted in the aid and advice of George W. Mordecai, President of the Bank of North Carolina. He was the brother of a distinguished advocate (Moses Mordecai), cotemporary with Gavin Hogg and Peter Browne, and had married the daughter of Judge Duncan Cameron. The fiscal duties of Governor David L. Swaine, ex-Chief-Justice Thomas Ruffin and ex-United States Senator Weldon N. Edwards, so long Commissioners of the Sinking Fund, were completely suspended. Instead of paying off its debts, the State was now using every means in stretching its credit to aid the general cause.

When the struggle began Governor Ellis appointed, as an Advisory Military Board, ex-Governor Warren Winslow, Colonel J. A. J. Bradford and Haywood W. Guion of Salisbury. Colonel Bradford had been a captain of ordnance in the United States army. He was a man of slow physical and mental movements, and survived his release from Fort Warren but a short while. Colonel Guion was reared in New-Bern, and graduated at Chapel Hill in 1835, in the class which contained, among others, the polished and genial Richard B. Creecy, then of Chowan, and now of Pasquotank. Like his classmate, Colonel Guion added large literary acquirements to his legal attainments. He was a formidable competitor of Burton Craige, both at the bar and for Congressional honors, and though of diminutive stature, had large development of mind and soul. Governor Clark appointed as his aids, General D. M. Barringer and Spier Whitaker, ex-Attorney-General. Upon the accession of Governor Vance, David A. Barnes succeeded to the functions of military advice to His Excellency. He had been for years of great prominence in the courts, and had the utmost esteem and

confidence of the people. Judge Barnes yet unites professional diligence and erudition to eloquence and success as an advocate.

At this time General Clingman's brigade was doing valiant service in defence of Battery Wagner before Charleston.* General Beauregard was to add imperishable laurels to his fame in his long and successful resistance to the tremendous naval and military appliances brought to bear for the capture of that devoted city. High Federal authority declared him the equal of

*NOTE.—General Clingman, as commandant of the Twenty-fifth North Carolina Troops, had won the high encomiums of his superior officers by his efficiency as an organizer and engineer. His line of defensive works, eleven miles long, was so located and flooded by the judicious use of dams, that two years later a small force of militia and home guards held it against the attack of five thousand Federal troops, sent from Hilton Head. General Clingman had been promoted in May, 1862, and after that time his movements in the Southern department are so fully and luminously set forth in his letter to the author of this book, that I have thought it best, as this report has never been published, to quote his own language. General Clingman says:

“In March, 1863, I occupied James Island for many weeks, and from it saw the fight of the Monitors against Fort Sumpter. I was also at Savannah at the time Fort Pulaski, below it, was taken by the Federals. I returned with my brigade to Wilmington, but in July, immediately after the Federals took the south end of Morris Island, I was again ordered with my command to Charleston. After reaching that place, I was invited to attend a general consultation by General Beauregard, to consider the question of attacking the enemy on the south end of Morris Island. Generals Talliafero and Ripley were present. General Beauregard was decidedly averse to the attack and the other two Generals concurred with him. I alone insisted that the attack ought to be made. General Beauregard showed irritation because I differed with him. General Ripley told me afterwards that I had been right in my view. Subsequently, General Jordan, then present as one of Beauregard's staff, told me that I was right and that he had kept a full memorandum of the conference, and that the matter ought to be known for my credit, because subsequent events went to confirm my view.

On the morning of the 18th of July, 1863, I took command of Sullivan's Island, the exposed position of the defences of Charleston. The position as the point of most danger and the point of honor, was offered in succession to General Talliafero and to General Wise, but each of these officers, after taking a look at the Island, declined to occupy it. They were both my seniors in commission, but declined to accept the position.

General Evans, after I had been occupying the Island, was directed to take the command over me, but after coming once in quiet times, he declined it.

Todleben in engineering. General Bragg's victory at Chickamauga occurred September 19th and 20th. General D. H. Hill commanded a corps of those engaged, but the Fifty-eighth North Carolina State Troops were our only troops participating in the glorious conflict. The Twenty-ninth, Fifty-eighth, Fifty-ninth and Twenty-second Regiments of North Carolina Volunteers were in General Bragg's command at this time and were, like their compatriots of the Army of Northern Virginia, models of patient

A peremptory order was then issued to him to supersede me and take the command, but after visiting me in the night, he declared that I was defending the position as well as it was possible for it to be done, and refused to supplant me. He was therefore court-martialed for disobedience of orders and tried by a court-martial over which General Wise presided, but contrived to get an acquittal.

Subsequently General Ripley was ordered to take the command over me. He came over to the island several nights, and after riding over the works, declared that it was not possible to make better arrangements than I had done, and refused to supersede me, so that I retained the command until the 1st of December, when I was ordered to Virginia.

Before stating what dispositions I made on the island, I will advert to Battery Wagner. On the north end of Morris Island, near the channel, was Battery Gregg, and nearly a mile south of it, at a narrow point of the Island, was Battery Wagner. The Federals having captured the southern portion of the island, were endeavoring to capture Battery Wagner, so as to get the entire control of it and command the ship channel or entrance into Charleston harbor. They had planted very heavy batteries so as to command Wagner and were slowly approaching it.

General Ripley told me that in a certain number of days they would be able to take Battery Wagner, in spite of any defence it might make. Just at this very time at which he had told me that the fort would be obliged to fall, I was ordered to take the command of Battery Wagner. It was so exposed to the heavy fire of the enemy that the troops defending it were shifted every third day, marching out and in, during the darkest hours of the night. My brigade furnished about half the troops defending it, moving out and in from time to time.

I, according to orders, moved into it one night under a continual falling of shells from the enemy's batteries, who kept a steady fire all night to interfere with re-inforcements and worry out the garrison.

On the night in which I entered the fort, it was in a most dilapidated condition. The enemy's fleet, consisting of the *Ironsides*, the monitors and a number of bomb-vessels, during the day lay as close as they chose to the fort, for

and unflinching courage. The enemy was utterly defeated, and was only saved from destruction by the bravery and capacity of Major-General George H. Thomas, who was reared among our neighbors of Southampton, Virginia, and who, unlike his former noble associates in the United States army belonging to the Old Dominion, was warring upon his own kindred and the home of his nativity.*

*NOTE.—He may have been conscientious, but earth had no reward great enough to have induced Robert E. Lee to follow such an example. His sisters were inexpressibly pained at his course, and wept over the beautiful sword they withheld because it was a gift of their old Commonwealth for his gallantry in Mexico. There was similar grief at Mulberry Grove and Murfreesboro for a like delinquency in Junius B. Wheeler, then Major of Engineers on the staff of the Federal Major-General Steele, in Arkansas.

all the guns on the sea face of the battery had been dismantled by the heavy fire of the enemy, and hence they could approach as close as they chose. Their land batteries also kept up a most incessant fire with shot and shells. In this way they steadily cut the sand off of our bomb-proofs in which our wounded men lay. During the night, when the ships ceased to fire, we could get the sand, by hard work, about fourteen feet thick over the bomb-proofs, but during the day, they would by their fire, knock off ten feet of the sand and reduce the thickness down to only three or four feet.

During the first three days I occupied the battery, the fire of their guns was so heavy during the day, that Colonel Keitt told me that for hours the fort could not be seen at all from Charleston. This was caused by the heavy cloud of dust which their shot caused by striking the sand of the battery. None of it was caused by smoke, for we did not fire a single shot, all the cannon on our sea front and flank having been dismantled by the enemy's fire. So anxious was General Ripley on account of the heavy fire of the Federals, expecting, as he did, the place to be taken at about that time, that he from time to time sent members of his staff to enquire as to the chances of holding the fort. Immediately after this, he decided that he would send new gun carriages during the night in order that our guns might be remounted. This conclusion was reached after seeing the endurance of our men under such attacks. The result was that Battery Wagner, instead of being surrendered, was held until the night of the 7th of September, when Colonel Keitt, then in command, was ordered to abandon the fort as no longer tenable, the enemy having pushed their lines to a point very near to it.

Having gotten Wagner, and Fort Gregg being abandoned, their vessels, on the next day, September 8th, came in closer to Sullivan's Island and directed a tremendous fire against it during that day. Many of the houses on the island

A great disaster had fallen upon the gallant Colonel D. D. Ferebee's command, Fourth North Carolina Cavalry, on the retreat from Gettysburg. They were guarding an immense wagon train over South Mountain. It was midnight and the foe were in overwhelming numbers. But the troopers drew their sabres and waged the unequal contest until the greater portion of those

were set on fire, and great alarm was felt over in Charleston, lest the island should be taken. During the day a single courier only ventured over to report what the chances were of holding it.

My brigade, up to this time, had been chiefly stationed on the lower parts of the island, and not far from Fort Moultrie. Seeing that after the Federals got the control of Morris Island and of the channel between us and it, that my men would be unnecessarily exposed, I directed them to be moved up to the centre of the island, with the purpose, when necessary, of detachments at night in all parts of the island.

As evidence of the propriety of this movement, it may be mentioned that on the day I left the house in which I had kept my headquarters, it was struck by so many cannon shot, that I counted nine of them in a single door of the house, on the day after the heavy firing ceased.

I now proceed to explain to you, how I arranged the defences of Sullivan's Island. For its three miles in length on the eastern or sea side of the island the ground was a low, flat, sandy beach, liable to be overflowed by a storm tide. Its slope from the sea-beach was almost as even and regular as a floor slightly inclined. At a distance of about two hundred yards from the sea, where the ground had become a few feet higher, I constructed lines of sandy earthworks, sufficiently thick to resist the heavy guns of the ships, the fifteen-inch shot of which would seldom pass through the thick mass of sand. Behind these banks during the night, the troops of my command would lie. I went to each of the four batteries on the island and had the guns so trained that they would not fire into my own lines even in the darkest night. This was effected by having pieces of timber nailed to the platforms, so that the movement of the gun carriages would be checked at the proper time, and they might even in the dark keep up the briskest fire against the enemy without endangering our own men.

I then applied to General Ripley and obtained from him a number of rosin barrels. These barrels I had placed at intervals along the beach, just sixty yards apart. The upper end of each barrel was open so as to expose the rosin. On the top of this rosin I caused a few pounds of crude or fresh turpentine to be poured, because it would be ignited more easily than the rosin. On the top of this turpentine there was laid a little bundle of lightwood splinters, which to render them the more inflammable, had been dipped into turpentine. At each of these barrels, sixty yards apart as they were, I caused to be sta-

present were captured. Among the number of those taken from Company C, which lost twenty men, were Captain William Sharpe and the faithful and daring Lieutenant Thomas Ruffin of Bertie. He had early distinguished himself after the formation of the company by attacking with a handful of men one of the enemy's dreaded gun-boats in Blackwater River, a mile

tioned, three men, two of whom were to march alternately between the barrels, while one of the sentinels was to remain by the barrel. This sentinel had in his pocket a vial of spirits of turpentine, a lucifer match and a bunch of dry cotton. He was instructed, in case of alarm, to pour the spirits of turpentine on the bunch of cotton, light it with the match, and with the aid of the bunch of splinters set fire to the turpentine and rosin. Whenever one barrel was seen to be lit up, all the others were likewise to be fired, so that there would have been a line of bright light all along the sea-beach, while my sentinels would have retired back to our line of works. The enemy, with their landing boats, would have been plainly visible, while my own men, two hundred yards in the rear, behind their earth-works, would have fired at them as a marksman does at a mark when a torch is held up by it. All our batteries, also, could have opened the most destructive fire on the enemy. After the arrangements were completed, General Ripley, who came over several nights, and passed along the beach, was so well pleased that he said "Lincoln's whole fleet and army could not take the island." Nor could they, in fact. General Ripley assigned as a reason for declining to take the command over me, the declaration that I was defending the island as well as it was possible for it to be done. My pre-arrangements remind one of Hannibal's tying torches to the horns of his oxen, to enable him to escape, when surrounded by the Romans.

In conclusion I may say that Sullivan's Island being a low, flat land, was exposed to the enemy's fire at all times, and constantly, day and night, was this fire kept up. The fifteen-inch monitor shot and shells, where they struck, would make a hole large enough to bury the body of a horse in it. These large shot were, as they moved, plainly visible to the eye, and at night the shells, by their meteoric appearance, made a beautiful spectacle. After holding the island about four and a half months, and during all the active part of the siege, I was ordered to Virginia. On the morning of December 2nd, 1863, when I took leave of General Beauregard in Charleston, he looked very sad and said to me: "They must expect Charleston to be taken, after ordering your brigade away."

There was no service done during the war more arduous than ours. We not only protected the island, but also Fort Sumpter, which would have been taken but for the defence of our batteries. Charleston also, would have fallen at once.

Respectfully yours, &c.,

T. L. CLINGMAN.

below Franklin, Virginia. They drove every man from her decks and the ship lay helpless within a few feet of their rifles, until, her consorts coming to her assistance, the bold cavalymen were driven from their prey by a furious cannonade. Lieutenant Ruffin had been seriously wounded in the great battle of the day previous, and to the unspeakable grief of all who knew him, died in his captivity. This company had participated with conspicuous gallantry at the battle of Fleetwood, near Brandy Station, June 10th, where the ten thousand Confederate horsemen, through a long and bloody day, sustained and returned the enemy's charges, and where repeatedly the opposing squadrons reddened their sabres in the desperate contest. At sundown the enemy's thoroughly beaten thousands were driven by inferior numbers from the field. Here it was that Major John Pelham laid down his famous life, and with him died the brave and beloved Colonel Solomon Williams, Second North Carolina Cavalry. He left a beautiful bride, and was buried amid the regrets of all who had known him. Here it was that General Lawrence S. Baker, gallantly commanding the First North Carolina Cavalry Brigade, gained fresh laurels for himself and his command. Again at Upperville, Colonel Peter G. Evans gallantly died in leading the Fifth North Carolina Cavalry. At Hunters-town Colonel L. S. Baker succeeded General Hampton in the command of the latter's brigade, after the enemy had twice inflicted severe sabre cuts upon the head of the dauntless South Carolinian. Here Colonel Baker most gallantly contested the field, as he did again at Tunkstown. At the second battle of Brandy Station, with the same command, he won immortal laurels in his noble defence of his position and defeat of a whole division of Federal cavalry. He was wounded and lost the use of an arm, in this affair, which permanently disabled him from future cavalry service. Being promoted, he was placed in command of the post at Goldsboro. Colonel James B. Gordon was also promoted and put in command of the First, Second, Fourth and Fifth North Carolina Cavalry Regiments. The gallant Colonel Thomas Ruffin of Wayne, was unfortunately

slain in a charge at Catlett's Station, where General Stuart so bravely and dexterously cut his way out of a seemingly hopeless dilemma. About the same time, bold and fearless James Dearing replaced Beverly Robertson in command of the Second North Carolina Cavalry Brigade.

General Lee retired from his position on the Potomac, first to the Rappahannock and then to the Rapidan River, whither he was followed by General Meade. The enemy nearly came to grief in October by having his communications broken, but frustrated the movement and severely cut up the Confederates in the engagement fought at Bristoe Station, October 13th. The two North Carolina brigades of General John R. Cooke and W. W. Kirkland, were thrown upon the enemy without proper supports and suffered a bloody repulse. The foe lay in security in the railroad cut and disabled seven hundred men of Cooke's brigade, and five hundred and sixty of Kirkland's at the cost of only thirty-

NOTE.—In the November Congressional elections W. N. H. Smith, now Chief-Justice of the State, had abundant opposition. Dr. Edward Warren of Chowan, was one of his opponents. He had succeeded the eminent Dr. Charles Earle Johnson of Raleigh, as Surgeon-General of North Carolina. He is the oldest son of Dr. William C. Warren, a leading practitioner of Edenton. He was young, handsome and boundless in his ambition. He had married lovely Bettie Cotton, second daughter of Rev. Dr. S. I. Johnston, and has since the war grown famous for medical skill, both in Egypt and Paris. Dr. Peyton T. Henry of Bertie, was a third "Richmond in the field." He is a genial and stately gentleman, and married a charming wife in Kate, oldest daughter of the great lawyer, B. F. Moore. Captain Lucian D. Starke, then of Pasquotank, was absent at his post upon the staff of Colonel William F. Martin, and did not participate in the campaign, though made a candidate by the action of some of his friends. His native ability was enhanced by considerable cultivation. He was reared in Suffolk, Virginia, and was appointed Collector of the Port of Elizabeth City by President Pierce, where he edited a paper known as the *Pioneer*. He has removed since the war to his native State, and is prominent as a lawyer in Norfolk. Captain Starke is genial, sensible and a most devoted Democrat. The services of the distinguished son of Hertford had too much endeared him to the people of the Edenton District for the success of his adversaries, and they were all distanced in the race. His majority over all in the district was five hundred and one votes. This was the most emphatic of endorsements, as he was opposed by two of his own party and but one Democrat.

five to themselves. The Twenty-seventh North Carolina Regiment, Colonel John A. Gilmer, Jr., lost two hundred and ninety men out of four hundred and twenty-six carried into battle, and both General Cooke and Colonel Gilmer were wounded. They were in deadly combat with the whole of the Second Army Corps and one division of the Federals, and were charging uncovered against immense odds completely protected on the crest of a hill. General Cooke protested against going into the affair with his right flank unguarded, but yielded obedience to positive orders from General A. P. Hill; and thus, without blame for his rashness, suffered a terrible check.*

Ex-Governor W. A. Graham at this time succeeded George Davis of Wilmington,† in the Confederate States Senate. Mr. Davis had been for years recognized as one of the ablest and most cultivated men in the State. He was alike eminent for legal learning, literary culture and forensic grace. His purity and modesty had led him to shun political life, and his elevation to senatorial honors was gratefully approved by the best people of all parties. Governor Graham had already given long and illustrious service to the State and was in some respects the wisest man North Carolina ever produced. Unlike Andrew Jackson, he had no infirmities of temper; nor did he harbor prejudice or resentment. He had none of the frailties which clung so closely to the first William Hooper, Governor Iredell and Senator Mangum. He never veered with the shifting winds of political opportunity like Andrew Johnson and others; nor did he at any time outrage his opponents by the violence of his recriminations. He equaled neither Judge Ruffin, Judge Badger

†NOTE.—Mr. Davis is descended from the Swanns, Moores and Ashes of the Cape Fear region. He is the grandson of Thomas Davis, prominent in the Revolution, who married a daughter of old King Roger Moore, the cousin of Judge Maurice Moore. Bishop Davis of South Carolina was of the same stock. He graduated at Chapel Hill in 1838.

*Captain J. A. Graham's Sketch of the Twenty-seventh North Carolina Regiment.

nor B. F. Moore as a jurist; neither Governor Bragg, Judge Smith nor Henry W. Miller as an advocate; Governor Vance, Colonel McRae and Judge Kerr were all more brilliant on the stump; and yet such was the majesty of his words, the consistency and evident purity of purpose throughout his life, that, supplemented by the grandeur of his presence, he was the nearest reproduction of George Washington yet seen in America. To entire blamelessness of private life he added political consistency, and was as admirable in social relations as when presiding over the fortunes of the State or when as Cabinet Minister at Washington, he was protecting a commerce which whitened every sea with its sails.

Josiah Turner of Orange, late a captain in the Second Cavalry, having been wounded in an engagement near Kinston, resigned his commission and was elected to Congress. In the Third District, Dr. J. T. Leach was elected over Duncan McRae, late Colonel of the Fifth North Carolina Regiment. R. R. Bridgers of Edgecombe, Thomas C. Fuller of Cumberland, Colonel James M. Leach of Davidson, John A. Gilmer of Guilford, James G. Ramsay of Burke and George W. Logan were also members of the Lower House. Of these, Robert R. Bridgers was a graduate of the University and noted for his fine address and tact in addition to his mental grasp and power of luminous statement. Mr. Fuller as an advocate and on the hustings was foreshadowing his future eminence in the courts. Polished, genial and ever equal to the occasion, he is yet adroit as he is eloquent. He also had been a student at Chapel Hill. General Leach of Davidson had at Washington made his mark, and, by his fine elocution, real strength and unfailing vivacity was equally delightful on the floor of his House and amid the quieter scenes of the fireside.

Colonel Sion H. Rogers of the Fiftieth Regiment, had been elected the year before Attorney-General of the State. R. S. French of the Cape Fear region, and Thomas Ruffin, Jr., son of the Chief Justice, had been elected Judges of the Superior Court in 1861. John Kerr and Robert B. Gilliam, the year following. The Bench was further re-inforced this year (1863) by the elevation of Edwin G. Reade of Person, and William M. Shipp of

Lincoln. Judge Reade had won reputation as an advocate and had served in the United States Congress. His is a polished and luminous intelligence, where learning and official dignity are softened by a gracious benignity and kindness of manner. Judge Shipp is of a distinguished family of that historic region in which he had his origin, and worthily transmits the virtues and intelligence of his race.

By this time the necessities of life commanded fabulous prices. A night's lodging at the hotels cost three dollars without meals, molasses eight dollars per gallon, beef sixty-two and a half cents a pound, corn meal fifteen dollars a bushel, sugar one dollar and a half a pound, pork one dollar a pound, black pepper eight dollars a pound, cheese three dollars a pound, and a good horse could not be bought for less than one thousand dollars.*

On the 7th day of the same month Governor John Branch, who had presided over the fortunes of two States and filled so many great offices, came to his death in Enfield. He was not one of our ablest men, but in patriotism and fidelity he had no superior.

NOTE.—As the year was drawing to its close a regiment of the enemy effected a landing at Longfield and possessed themselves of the village of Harrellsville. The two new Hertford companies belonging to the Sixty-eighth Regiment, upon hearing of their arrival, marched in the darkness of the night to confront the invaders. Captain Hillary Taylor was in command. Reaching the vicinity of the village he divided his forces. Captain Langley Tayloe, with forty-one of his men reached the Tar Landing road by crossing the fields. He was ordered to approach the village and attack the enemy in the obscurity of the earliest dawn. The other company, passing around, lay in ambush near James H. Parker's place. By the light of the burning houses, Captain Tayloe saw fully five hundred of the marauders within pistol range of his dangerous position. At the appointed moment, though so fearfully outnumbered, the Confederates advanced and fired upon the enemy. Some disorderly shots were returned and private Drew Beale was dangerously wounded. Consternation filled the hearts of the invaders and they fled with the utmost precipitation to their gun-boats. Had the force in ambush carried out the original plan the whole party might easily have been captured. But the road full of fugitives appeared too formidable for the thirty-one men with Captain Taylor and they were allowed to pass unmolested, and thus ended the battle of Harrellsville.†

*Dr. Wheeler's Diary. .

†Captain L. Tayloe's Report.

The aged man, broken with the storms of state, had not strength left to stem the mad current surging around him. After years of exile in Florida he had returned to the home of his youth and there found his last resting place.*

During these years of blood and war both the Convention and General Assembly had been re-assembling for consultation as to the State's welfare. In the Legislature Major T. M. Garrett had resigned his position, as it conflicted with his duties as an officer of the Fifth North Carolina Regiment. Colonel Daniel G. Fowle had been early distinguished at the bar both for eloquence and learning in his profession. He is descended from Roger Williams and that Thomas Smith who was appointed a colonial Governor but declined the position and was followed in office by Governor Archdale. He had early taken a leading part in the proceedings of the House of Commons, and was appointed by Governor Vance to succeed Governor Martin as Adjutant-General of North Carolina. Dr. Eugene Grissom of Granville, began the war as a captain in the line. He served with high credit until dangerously wounded, and was also among the leaders of the Legislature. In native intelligence, unfailing resource and address, he has had no superiors, and is now an ornament to the medical profession of his State and Nation. In the resonance of the great conflict, the public attention was drawn from these parliamentary bodies to the struggle in the field. The legislation was principally confined to matters of military defence, and the preservation of individual rights amid the ruthless efforts for public defence.†

As the year closed in, the outlook was gloomy enough. General Lee still barred the way to Richmond. General Meade with a great host, confronted him on the Rapidan, but the Confederate lines were too formidable to be ventured on, and both armies went into winter quarters. The blockade had sealed every Confederate seaport save Wilmington. There, eight ships were on constant duty, watching the mouth of the Cape Fear River, and

*Dr. Wheeler's Diary.

†Journals.

a like number off Fort Fisher, which was built upon New Inlet. Long range guns in the forts kept them miles at sea; thus on dark nights it was impossible to exclude the swift British-built steamers which swept, as a whirlwind, past the Federal fleet to the beacon lights that were burning for their guidance. It was a stirring scene whenever a ship thus came in. Signals flamed from all the blockaders. The fugitive craft, so painted as to be almost invisible and showing no lights, could only be tracked by her sound. In that direction the great Parrott guns thundered in her wake. The banked fires of the pursuers were lighted, and with full steam, the chase was followed, till a Whitworth bolt from on shore crashed through the Yankee's timbers, and discretion became the better part of valor. The panting Englishmen only hove to as the heavy guns of Forts Caswell, Holmes or Fisher opened upon the baffled foe. It was matter of frequent astonishment that men who could get so thoroughly frightened, as the blockade runners almost invariably did, would have at all ventured into such dangers. But their profits were immense, and human cupidity can triumph even over fear. There were about fifty pilots living near the mouth of the Cape Fear, and these men realized from five hundred to a thousand dollars in gold for each trip to Nassau or Bermuda. They had been exceedingly poor before the war, but wealth flowed in upon them, and some amassed as much as sixty thousand dollars before the capture of Fort Fisher.

The condition of Eastern North Carolina grew hourly more deplorable. Frequent incursions of the enemy resulted in the destruction of property of all kinds. Especially were horses and mules objects of plunder. Pianos and other costly furniture were seized and sent North, while whole regiments of "bummers" wantonly defaced and ruined the fairest homesteads in eager search for hidden treasure. The "Buffaloes," in gangs of a dozen men, infested the swamps and made night hideous with their horrid visitations. They and colored coadjutors, by all manner of inducements, enticed from the farms such of the negro men as were fitted for military duty. No recruiting officers were

ever more assiduous or desperate in their measures. To the infinite and undying credit of the colored race, though the woods swarmed with negro men sent back on detailed duty for the purpose of enlisting their comrades in the Federal army, there were less acts of violence toward the helpless old men, women and children than could have been possibly expected under the circumstances. All the murders and robberies, so abundant at that period were unmistakably traced to the white "Buffaloes." Almost every white man able to bear arms, was absent with his command, and yet the great body of slaves, with freedom offered as a reward for their desertion, remained in faithful and affectionate subjection, and labored for the sustenance of the families at home, while the Confederate tithings and any other surplus long enabled General Lee to hold his own in the face of the foe. Many colored men became warmly attached to the cause of their struggling masters. Especially was this the case with colored servants in the army.

Early in the new year of 1864, tidings reached North Carolina of the death of ex-United States Senator Solon Borland.

NOTE.—On December 2nd, 1862, at Fort Warren, the gallant and humane commander, Colonel Dimmick, offered to release from captivity two colored men: William, the servant of Captain Clements, and Brooks, that of Captain Sparrow. They were free to return home on the promise of allegiance to the United States, but they spurned the proposition, and said unless they could go in honor, they would remain to the bitter end and share the fortunes of their white friends.* In 1864 Major J. W. Moore, then with the Third North Carolina Battalion below Wilmington, sent through the country, to his wife in Murfreesboro, his man-servant, Harvey, with two valuable horses, and ten thousand dollars in Confederate money. On his way, in the county of Pitt, this most faithful and trusty servitor became almost completely surrounded by the squadrons of a formidable cavalry raid, and yet when he had only to stand still and secure freedom, he was loyal to his duty and sacredly executed the trust which had been committed to his keeping. Even before his furlough had expired he was again at the artillery headquarters detailing with great gusto the incidents of his hair-breadth escape and long fast in the woods. In the mercy of God these poor people at last are free, and we should not forget these things which redound so much to their credit.

†An Officer's Diary.

After long years of absence from the home of his nativity and early manhood, he expired at Houston, Texas, on January 1st. His bold spirit had borne him through many strange vicissitudes, but in his genius and energy was no promise of failure. He had won consideration wherever he had gone, and upon the close of his Senatorial career at Washington he was commissioned by President Buchanan, as Minister to Nicaragua, being the second son of Hertford county who had filled that distinguished position. His high-strung nature was ever exceedingly sensitive to insult, and Commander Hollins, at his orders, with the guns of the United States ship *Cyane*, gave the motly inhabitants of Greytown a specimen of the fierceness of his anger when aroused. Solon Borland was generous, open hearted and noble in all his instincts, and a tender regret for his early demise filled the heart of many a friend who had known and loved him in days of yore.

In the last days of January, General Lee dispatched from the Army of Northern Virginia five brigades under Major-General Pickett, who were to assail the garrison of New-Bern and if possible to recover possession of that place. There were not to exceed two thousand men in the works, and the fortifications west and south of the town were of such length that this force, by prudence, could have been decoyed in a well arranged fight, and the earthworks almost bloodlessly surmounted. General Pickett had won great renown in his charge at Gettysburg, but most signally failed at New-Bern. His first error was to send a Virginia brigade under General Barton, by way of Polloksville, to threaten that town on the south bank of the Trent, when he knew that General J. G. Martin was to attack the fortifications at Shepherdsville, which movement was calculated to effect the same results, that of isolating New-Bern, as the railroad, in that event, would be cut. On February 1st, General Clingman's brigade, from delay at Bachelor's Creek and the darkness of the night, partially passed that of General Hoke, which he had been following, and was resting on the right side of the road. While in this position, Colonel H. M. Shaw, of the Eighth North Carolina, was instantly killed by one of the enemy's shots across the

creek. Thus died a conspicuously brave and meritorious officer. In the language of General Clingman, "equally remarkable for his attention to all the duties of his position, and for coolness, self-possession and courage in the field, I know of no one filling a similar station, whose loss would inflict a greater injury to the service than that sustained in his fall." He was indeed a great loss, and the whole State was pained to know one of our ablest and truest man had been stricken down in the common defence.*

By order of General Pickett, Clingman, who had been following Hoke, passed to the front, and with his brigade kept the road until he reached within a mile of New-Bern, when he moved to the right, parallel to the enemy's fortifications on the front of the town, until reaching a point six hundred yards from the Trent road. There he was confronted by a regiment of cavalry, some field guns and a few infantry. The enemy's horse made show of charging, but were easily driven back. General Clingman wished to assault the works and requested General Hoke to bring up his brigade to his support. In the meanwhile, Fort Jotter, whose fifteen heavy guns enfiladed his lines, opened upon him a fire which might have been destructive if their practice had been good. The field pieces, too, were shelling in front. After vainly waiting for three hours and no re-inforcements arriving, General Clingman withdrew.* The Virginia brigade, sent across Trent River, effected no more on that side than was accomplished in the movements just described.

A very different result had followed General Martin's part in the general programme. On the 29th, Colonel George Jackson of Virginia, with the forces from Kenansville, which consisted of four infantry companies, two squadrons of the Fifth South Carolina Cavalry, Lieutenant-Colonel Jeffords and Major J. W. Moore with Battery A, Third North Carolina Battalion, Captain A. J. Ellis, reached White Oak bridge. Here they were joined by General Martin with the Seventeenth North Carolina, Lieu-

*General Clingman's Report.

tenant-Colonel John C. Lamb commanding, the Forty-second North Carolina, Colonel Brown, and Paris' Light Battery.

Colonel Jackson, with his mixed command, was sent forward as the advance guard. He was a brave, generous and thorough soldier, and had been a Lieutenant in the Second United States Cavalry, commanded by Colonel R. E. Lee at the commencement of hostilities. He is the brother of General W. L. Jackson of the Virginia Cavalry and the cousin of the immortal and lamented Stonewall Jackson. Colonel Jeffords was a model of courtesy and kindness and was brave even to rashness. Captain Ellis of the artillery was a pattern both for discipline in camp and judgment and coolness under fire. Captains William B. Wise and Norman L. Shaw, with their Hertford companies belonging to the Seventeenth North Carolina Regiment, were also in the advance guard, and, as on many other occasions, showed themselves brave and intelligent officers. The fearless and afterwards unfortunate Colonel Nethercott of the Sixty-fourth North Carolina Regiment, and Lieutenant Farely, General Whiting's scout, accompanied the expedition as guides.

At 10 o'clock A. M. of the 30th of January the enemy's cavalry pickets, five miles from Shepherdsville were stampeded, and in the desperate race which ensued Lieutenant Muse of Chatham North Carolina, was shot by one of the flying pickets and instantly killed. Three miles further on, the advance guard encountered a block house, defended by a field gun and surrounded by an intrenchment in which were two companies of infantry awaiting the assailants. Captain William Biggs and his Martin company, were sent forward on the left of the road as skirmishers. Captain Ellis with his four guns went into battery, and at a distance of nine hundred yards so shattered the block house that its inmates rushed out, as Biggs and his company came up at a run and captured a considerable number too much paralyzed by fear for fight.

Two miles further on the advance guard found the enemy in force, with infantry, cavalry and artillery, awaiting their approach. Fully sixteen hundred men were in the line of battle and a

Wieard gun of long range and beautiful finish, commanded the approach down the road, on each side of which were ditches. General Martin deployed the two regiments; the Seventeenth on the left and Forty-second on the right of the road, with orders for both to advance *en echelon* and engage the enemy, while Ellis' Battery shelled the foe above their heads. Perhaps in no battle of the war were forces so equal in numbers seen upon any field. The Federal troops fought with bravery for a half hour, slowly retiring before their advancing assailants. Captain Ellis, with a three-inch rifle piece, pressed forward to close quarters with the Wieard gun, and with great gallantry, silenced and captured the same with but small loss. At this juncture the enemy gave way completely and fleeing in the direction of Beaufort, abandoned the two forts and immense barracks and military stores of Shepherdsville to their victorious assailants.*

The fruits of this minor but brilliant success, were two forts, sixteen guns, two hundred prisoners and commissary supplies. The Confederate loss was sixty men killed and wounded, among the former was the brave and lamented Captain Leith of Hyde.

The next day was passed in waiting for the tidings from New-Bern, and late in the night came the news of General Pickett's failure and retreat to Kinston. General Martin left the captured pieces in the forts and made haste to reach White Oak Bridge, distant twenty-seven miles. This was his only outlet from the trap in which Pickett's precipitation had left him. This point was but sixteen miles from New-Bern, and disastrous would have been its occupation by the enemy. It was reached early in the morning on the day after leaving Shepherdsville. General Martin left Colonel Jackson with the Kenansville command and proceeded to Wilmington, leaving orders that Jackson should remain and cover the approaches until Lieutenant-Colonel Jeffords with the cavalry still in the rear, should come up. At 10 o'clock Lieutenant Collins, who commanded a cavalry company on picket at Polloksville, seven miles away, sent in a dis-

*General Martin's Report and General Whiting's General Orders.

patch stating that a heavy force of the enemy's infantry was in his front and preparing to pontoon the Trent River. Collins was a small hunch-backed Irishman, festive and true, and possessed of a lion-like spirit in the presence of the enemy. He had promised to try to hold the enemy in check, in his dispatch, and he nobly redeemed his pledge. At last Jeffords came up, and in the gathering darkness, as the infantry cleared the bridge, Collins and his horsemen swept up, followed by the foe, who all day long had been held at bay by his daring strategy. The command was saved, for the Federals well knew death was lurking in that dark defile, and they forbore pursuit.

For much meritorious conduct on the fields in which the Army of Northern Virginia had grown famous, Robert F. Hoke of Lincoln, was made a Brigadier-General. He had gone with Colonel D. H. Hill, as a Lieutenant of the first regiment raised by North Carolina, and upon that distinguished officer's promotion, so conspicuous had been the merits of Lieutenant Hoke, that he was elected by the commissioned officers, over the heads of all the captains, as Major of the regiment. Since that time his services had been brilliant and his promotion rapid. He was still a youth, but a gravity beyond his years, conjoined with judgment, discretion and serenity amid danger, marked him for command and the conduct of great enterprises. He is the son of that gifted Colonel Michael Hoke, who so formidably contested the field with Governor William A. Graham in the Gubernatorial election in 1844. On the 19th of April, General Hoke, with a division, approached the strongly garrisoned town of Plymouth. The enemy's out-posts were driven in, and there was fighting late in the day, but the main battle was deferred till the morrow. General M. W. Ransom, with his brigade, passed around to the east, and at the signal the assault was made. The strongest of the forts was in the direction of Ransom's approach. A large open field gave the heavy guns opportunities as the brigade in full view swept onward in attack. Five hundred of Ransom's men fell, but following their gallant commander they reached and carried the works, and soon two thousand troops and hundreds of

fugitive negroes were captured. The Confederate ironclad, *Albemarle*, commanded by the gallant Captain Cooke, participated in the battle, and largely contributed to the result. The formidable double-ender, *Southfield*, was first attacked and sunk in the river, and the guns of the ram turned upon the rear of the Federal defences. Great joy in the Albemarle region followed this victory, for most nobly had the youthful Hoke justified his promotion as Major-General.

The *Albemarle* had been built at Halifax, and descended the Roanoke River. Her appearance excited a profound sensation among Federal naval men, and soon eight or ten powerful United States ships collected in the sound, off the mouth of the Roanoke River. Nothing daunted by this array of force, Captain Cooke steamed out to meet them, and then occurred one of the most desperate and prolonged naval battles on record. The whole fleet fired upon the iron monster on her appearance, as she slowly and silently passed to the attack. Then she opened her ports, and the crash of timbers told how ship after ship was disabled. Attempts were made to run her down, and for a long time Cooke lay with his guns so elevated on one side and depressed on the other, by means of the enemy's ship fouled across his prow, that he could not bring his pieces to bear; still he continued the battle with guns whose faces had been shot away, and after a mortal combat of two hours' duration, seeing the last of his antagonists passing down the sound, he steamed back in triumph to his rendezvous at Plymouth.

General U. S. Grant by this time had won the foremost place in the Federal armies. He had been transferred from his successful command in the southwest, and with an immense and increasing force, was confronting General Lee, still unconquered, on the Rapidan. General Grant is a great soldier. He had long seen the impossibility of destroying the Army of Northern Virginia while under its great leader by any other means than continuous battle at fearful cost to the Union forces. His theory was that the United States could afford to lose many men to disable one of the heroes who had so often inflicted upon three times

their numbers the most crushing defeats. In carrying out this theory the captor of Vicksburg was remorseless and unshaken, and after burying a vast host of those who were entrusted to his lead, he vindicated in the result the correctness of his policy.

On May 4th, the Federal masses commenced moving on the left, through the Wilderness, in the direction of Chancellorsville, intending by flank movement to avoid the position which General Meade had already found impregnable. Longstreet had not yet returned with his corps from Knoxville. General Lee, imitating Napoleon at Austerlitz and Wellington at Talavera, with but thirty thousand men, sallied out from his intrenchments and fell upon the centre of his advancing foe, with the intent of cutting asunder the huge force of a hundred thousand men of the enemy. The nature of this great battle-field rendered the use of artillery almost impracticable. For two days the roar of musketry was continuous, until, Longstreet coming up, the Federal lines were driven back and the field won by the Confederates. Such had been the obstinacy of the engagement, that oak trees, twelve inches in diameter, were felled by musket balls alone. To add to the horror of the combat, after the enemy had been driven over a long space from his first position, the woods took fire, and many of them met death amid unspeakable tortures. Seven thousand Confederates and twenty thousand of their adversaries were killed and wounded. Among the dead lay Colonel Thomas M. Garrett of Bertie, who commanded the Fifth Regiment North Carolina Troops, that had so fearfully suffered at Williamsburg and elsewhere. A few days later General Grant was again foiled in his march to Spottsylvania Court House. Longstreet's corps was there and held it against assault May 8th. In the gloom and fog of the morning of the 10th, a salient in the Confederate lines was surprised and the Stonewall division and other troops, with eighteen pieces of artillery, were captured. The blow was fearful. General Lee saw at a glance that the position must be re-taken, or a ruinous retreat attempted. Putting himself at the head of the nearest supports, he was leading in person the charge on the captured works, when suddenly the advancing

lines halted and refused to go further until General Lee should retire from so much danger ! No more touching tribute was ever given to mortal man. The great chief yielded to the demands of his men, and in a few minutes proud Confederate cheers told of danger past and victory won. Conspicuous in this charge was the youthful and slender form of Brigadier-General Stephen D. Ramseur of Lincoln county, North Carolina. He and his command gained infinite credit, and on June 18th, when General Early was promoted and put in command of the Army of the Valley, Ramseur succeeded him as Major-General of his division. Like Pender and Pettigrew, he had grown famous as a soldier and also, with them, was a spotless gentleman, as he was humble and devout in his faith as a Christian.

General Grant had again lost twelve thousand men, while the Confederates, counting the troops captured at the salient with the killed and wounded, suffered a like diminution of their numbers.* Early in May, Major-General B. F. Butler ascended the James River, and with thirty thousand men attempted the surprise of Petersburg. He was foiled in his effort by a few hastily collected troops. This man had already won a bad eminence in American history, and will probably rival Benedict Arnold in the disgust and detestation of posterity. Before the war he had pretended, like Martin Van Buren, to be one of those anomalies known as a Northern man with Southern principles. No one prated louder at Charleston in 1860, of secession and its justice, and throughout the ballottings, in solitary grandeur, he had cast all his unaided votes for Jefferson Davis ! He was as impracticable at Baltimore as the hottest "fire-eater," and like other Northern Democrats, had told Southern men of their duty in the event of Mr. Lincoln's election and the carrying out of the Chicago platform. With the earliest hostilities he hurried to Baltimore, and being put in command of that city, at once began his long career of outrage upon the people in his power. General Butler is largely endowed for success in civil life, but his military blunders were only

*Holmes, page 303.

equalled by his shameless disregard of all that is considered honorable among men. He was as venal as a prostitute and was only restrained by the great and tender heart of Abraham Lincoln from the cruelty and excesses of the Spanish Duke of Alva. Such had been his conduct that the Confederate government had, by proclamation, set a price upon his head and instructed its armies to show him no quarter, but slay him like a wild beast wherever captured.

Major-General H. C. Whiting hurried up from Wilmington, and with him came every soldier from North Carolina who could possibly be spared, to meet the Massachusetts General in this dangerous movement upon General Lee's rear. On May 16th, General Beauregard having assumed command on the peninsula between James and Appomattox Rivers, attacked Butler* and drove him to the point of junction of the two streams, when the

*NOTE.—This battle is remarkable for being the first field where the now famous Gatling gun was used. It had been invented two years before by Dr. Richard Jordan Gatling, who was born and reared in Hertford county, but had not assumed its present perfection and terrible effectiveness at all ranges short of two thousand yards. This formidable arm is a machine cannon revolved by a crank, and firing from ten barrels, to each of which is a separate lock, two hundred balls a minute. It has been adopted by nearly all civilized governments, and its inventor has achieved greater fame and wealth than any man yet born in our region. Dr. Gatling removed from our midst in 1843. He was born September 12th, 1818, and was the third son of Jordan Gatling of Manney's Neck. His mother was Mary, the sister of Thomas, Jesse and Richard Barnes, who, like their father, were substantial and successful farmers. He was educated at Buckhorn Academy, and in 1833, when but fifteen years old, left school to assist Lewis M. Cowper in copying records in the Clerk's office. His inventive genius was manifested at an early age, and though he is a graduate in medicine, inventions and manufactures have employed his life. In 1854, he married in Indianapolis, the youngest daughter of Dr. John H. Sanders, an eminent physician of that city. Like all great inventions his gun was slow in its introduction, and its fame has been principally achieved since the war. He now resides in Hartford, Connecticut, where great numbers of his guns are constructed at Colt's Armory. They are also made by Sir W. G. Armstrong & Co., at Newcastle upon the Tyne, in England, and by Poget & Co., at Vienna. The *Science Record* for 1872 remarks, "Dr. Gatling is emphatically a self-made man. The State of North Carolina may take just pride in his discoveries and achievements. They reflect honor on the American name."

great engineer halted his command and threw up intrenchments from river to river, a process described by General Grant as the "*bottling up*" of his unfortunate subordinate.

A great disaster befell the Confederate cavalry at the Yellow-Tavern, near Richmond, on May 11th. General Sheridan, with an overwhelming number of men, was aiming to surprise the Southern capital. Lieutenant-General Stuart was slain and his troopers scattered.* With him fell Brigadier-General James B. Gordon of Wilkes county, North Carolina, who was possessed of a valiant and knightly soul, and like his great commander, knew no fear in the shock of arms. He was originally First Lieutenant of a company raised in his native county by the unfortunate and brave Colonel Stokes. He was made Major of the First North Carolina Regiment, was transferred to the cavalry and had greatly distinguished himself on various occasions. The great loss experienced in the fall of General Stuart was supplied in the bravery, conduct and genius of General Wade Hampton of South Carolina. This admirable officer soon, at Trevillians Station, defeated Sheridan, who on that and the previous raid lost five thousand men.

General Grant was still persistent in his movement by the left flank, and, after numerous combats following the battles of the Wilderness, confronted the Confederate lines on the already famous battle-field of Cold Harbor. His main assault was in the morning, and his great masses, frantic with whiskey, were slaughtered in hecatombs. In less than a half hour they were driven back all along the line at a sacrifice of thirteen thousand men, while the Confederate loss barely exceeded twelve hundred. Clingman's brigade suffered heavily in this engagement by reason of a brigade from another State, occupying a position on his left, giving way in the midst of the attack. Assailed in front and on the left flank, the cool and intrepid Brigadier changed front in the midst of the battle, and with the Eighth, Thirty-first and Sixty-first Regiments, the enemy in turn was assailed

*Holmes, page 304.

and driven from their front. In this movement they were gallantly assisted by the Twenty-seventh Georgia Regiment of Colquitt's brigade. General Clingman had lost in three weeks eleven hundred and seventy-three men.

North Carolina mourned for a host of gallant spirits lost in these tremendous struggles. Among these were Bigadier-General Junius Daniel, Colonels J. H. Wood of the Fourth, and C. L. Andrews of the Second Cavalry. Edmund Brabble of the Thirty-second, C. C. Blacknall of the Twenty-second, W. H. A. Spear of the Twenty-eighth, C. M. Avery of the Thirty-third, John G. Jones of the Thirty-fifth, W. M. Barbour of the Thirty-seventh, Major J. J. Iredell of the Fifty-third, and Colonel Alexander D. Moore of the Sixty-sixth North Carolina Regiments, were also numbered among those who sealed their faith with their blood.

General Lee had commenced the spring campaign with an infantry force of forty-two thousand men. His cavalry and artillery numbered ten thousand. His loss had been in part compensated by the accession of Pickett's, Breckenridge's and Hoke's divisions and Finnegan's brigade. But with these re-inforcements, he had but forty-two thousand infantry at Cold Harbor, having lost eighteen thousand men in all since leaving the Rapidan. General Grant had, in the mean while, lost sixty thousand men—a much greater number than his antagonist had any time in his command. Secretary Stanton grew frantic in Washington City, and said that Grant would depopulate the world if he kept on at that rate. On June 5th, General Breckenridge, with his division numbering two thousand five hundred men, was sent back to the Valley. He was followed a week later by General Early, in command of Ewell's corps, numbering eight thousand infantry with two battalions of artillery. Thus leaving General Lee less than thirty-two thousand infantry.*

With this force occupying thirty-seven miles of intrenchments, he prepared for the siege of Petersburg, which was to last through the greater portion of a year and to add to his world-wide fame.

*Lieutenant-Colonel Venable, Acting Adjutant-General.

Grant had broken Beauregard's lines on June 17th. General Lee's forces reached the ground and repelled the main assault the next day, but Grant intrenched himself and resorted to mining and other tedious processes of a regular siege. These resulted in the combat of the Crater, July 30th, where the Federal labors under ground ended in defeat and a loss of six thousand men.*

General Early, after his expedition to the neighborhood of Washington, had retired to Winchester with twelve thousand men in his command. There, September 19th, he was assailed by Sheridan, whose force numbered forty thousand, one-fourth of which was cavalry. The battle lasted through the day, and at nightfall the Confederates were forced from the field. They had done all that skill and valor could accomplish, but yielded to the pressure of overwhelming numbers. It was a bloody day for North Carolina. Among the most conspicuous was the gentle and dauntless Ramseur. This admirable officer was in the United States army previous to the war, and upon his arrival at Raleigh was induced to assume command of a light battery. His patience and his skill soon made this a formidable organization. It was famous throughout the war, and upon his promotion to the command of the Forty-ninth Regiment, passed to the control of Captain, afterwards Major Basil C. Manly of Raleigh. General Ramseur had been badly wounded at Malvern Hill, while Colonel of the Forty-ninth Regiment. He had displayed high courage on every field since, and was to be the third division commander slain among the North Carolina troops.

In North Carolina the election for Governor occurred on the first Thursday in August. Governor Vance was opposed by W. W. Holden. It was well understood from the *Standard*, a newspaper belonging to and edited by the latter, that he favored the State's taking some step toward making peace with the enemy. His emissaries industriously strove to produce on the minds of the soldiers the impression that his election would result in peace

*NOTE.—This affair resulted in small loss to the Confederates and to the intense disgust of "Aunt Abbey House" of Franklinton, North Carolina, whose missions of mercy have become historic in the State.

to the country. Governor Vance maintained that it was dishonorable as it was unconstitutional for North Carolina to take any step of the kind without the consent of the sister States and the government at Richmond. Our people longed for peace but distrusted both the man and his overtures, who counseled bad faith to compatriots in a bloody and heroic cause. Vance visited many of the regiments in Virginia and his speeches were the admiration of the army. The result proved how loyal North Carolina was to her obligations. Governor Vance was re-elected by forty-three thousand five hundred and seventy-nine majority out of a total vote cast of seventy-two thousand five hundred and sixty-one. Of all the four hundred and four votes cast in Hertford county, Holden received but one.*

As the siege advanced at Petersburg, numerous parties were sent out by General Grant to assail and occupy the Weldon and Lynchburg railroads. A strong force seized and intrenched itself at Reams' Station. August 24th, Lieutenant-General A. P. Hill was ordered to dislodge it. The first efforts of the Confederates failed, whereupon Cooke's, McRae's and Lane's North Carolina brigades were ordered to charge the works. Seventeen hundred and fifty North Carolinians were the only Confederate troops in the charge, and they captured and brought out twenty-one hundred prisoners and thirteen pieces of artillery.† The enemy's dead are not included in this estimate. There did not occur a more brilliant passage at arms in the whole progress of the war. Cooke's brigade, so conspicuous in this brilliant affair, began the campaign May 4th, with seventeen hundred and fifty-three men, and its casualties in killed, wounded and missing amounted, when October came, to seventeen hundred and eighty-six. This excess is accounted for in the fact that many men were repeatedly wounded. During the campaign

*Dr. Wheeler's Diary.

†Captain J. A. Graham's Sketch of the Twenty-seventh North Carolina Regiment.

thirty-five men of the Twenty-seventh North Carolina Regiment of the brigade were captured on skirmish duty, but not one from the line of battle.*

*NOTE.—The battle of Reams' Station was remarkable in the fact that after the two repulses the Confederates had suffered, it was left to the men by the officers in command to say whether another attack should be made. The glorious result followed in consequence of the valor and patriotism of the soldiers engaged. General William T. Roberts of Gates, was in the same engagement, under General Hampton, and with his cavalry brigade likewise gained many laurels. Lieutenant-Colonel Francis W. Bird of the Eleventh North Carolina Volunteers was unfortunately slain in the battle, as were so many of his comrades. He was a gallant and chivalrous officer and his loss was universally regretted.

CHAPTER VIII.

A. D. 1864 TO 1865.

Abraham Lincoln re-elected President of the United States—Andrew Johnson—General McClellan and Vallandigham—Assembly of 1864—Giles Mebane and R. S. Donnell, Speakers—R. T. Dick and W. A. Smith—Cape Fear defences—General Bragg assumes command—The Christmas attack upon Fort Fisher and its repulse—General Lee's condition desperate—Obstinacy of President Davis—The Old Point Conference—Overtures to Governor Vance—Loss of the ram *Albatross*, and Plymouth—Capture of Fort Fisher—Subsequent movements below Wilmington—Its evacuation—Battles of Kinston, Averasboro and Bentonville—Combats around Petersburg and Richmond—Five Forks and the retreat from Petersburg—General Johnston retires to Greensboro and surrenders—North Carolina's forces in the field during the war—Losses of Generals and field officers—Condition of the State—Convention between Sherman and Johnston disallowed by the President—General Schofield Military Governor of North Carolina—He issues a proclamation declaring the slaves free—Unhappy effects upon the South of the killing of Mr. Lincoln—The political murders—W. W. Holden made Provisional Governor—Terms of return to the Union—Freedman's Bureau—Plunder of the South continues—General wreck of property—Judges appointed—Jonathan Worth elected Governor—Congressional election—Assembly of 1865—Judge Manly and R. Y. McAden, Speakers—Prominent members—Judge Smith's services in allowing the negroes and parties to suits to testify—Governor Graham and John Pool elected United States Senators but they are refused seats—State of Southern feeling.

The election for President of the United States occurred this year. Mr. Lincoln was again a candidate, and Hannibal Hamlin was replaced on the ticket for Vice-President by Andrew Johnson of Tennessee. This extraordinary man, born of humble parentage in Wake county, North Carolina, had been apprenticed to a tailor in Raleigh and served at that obscure trade until reaching manhood. He emigrated to Tennessee, where, having married, he first learned the alphabet with the aid of an excellent wife. Having mastered the rudiments of education, he went into the practice of law and then into politics. He had been a member of the Legislature, of Congress, and the Governor of Tennessee, and had succeeded John Bell in the United States

Senate when Secession came. Alone of the Southern delegation, he had retained his seat in Washington City, in defiance of the wishes of Tennessee, and in utter violation of all the previous declarations and precedents of his political life. His bad faith to Tennessee was rewarded by his nomination for Vice-President and ultimate elevation to the Chief-Magistracy of the nation. His influence had been fatal to the Southern cause in East Tennessee, and the people he pretended to benefit were scourged with all the horrors of civil and intestine war. Andrew Johnson was essentially a demagogue.* An intense egotism and desire of popular applause, superadded to a mulish obstinacy and the bitterest resentment, will explain all the errors and difficulties of his checkered existence. He was incapable of the baseness of being bought by money, but was ever eager to array the people against the best and purest men in the land, whom he disliked and denounced as aristocrats.

General George B. McClellan for President, and George H. Pendleton of Ohio for Vice-President, were the candidates of the Democrats, and were overwhelmingly defeated.† The strife among Northern parties was intense, and Clement L. Vallandigham, the boldest and bravest man since the days of Martin Luther, was driven out of the country. Passing through the Confederacy he ran the blockade at Wilmington and left America.

The battle of Cedar Run was one of those affairs which so well illustrate the chances of war. General Early attacked the forces under General Sheridan and drove them from every position for miles. Camp, artillery and stores of all kinds used in a campaign, fell into the hands of the Confederates. The great masses of the enemy seemed demoralized, and General Early continued to advance until one of his divisions was checked, and then began a wavering of his advancing lines of battle. The victors of the morning lost all order, and soon stampeded from the field they had so gloriously won. In this affair General Stephen D. Ramseur was mortally wounded and died in the

*Clingman's Speeches, page 523.

†Holmes, page 312.

enemy's hands. He was a great loss and General Early bore the noblest testimony to his worth. If he had a fault it grew out of his fearless and chivalrous nature. General Godwin had been slain at the head of his North Carolina brigade at Winchester, and many more gallant spirits of the same State perished in these disasters of the Valley where inferior numbers were so nobly striving to contend with impossible odds.

The North Carolina Legislature convened in November. Giles Mebane of Alamance, again presided in the Senate, and Richard Spaight Donnell of Beaufort, in the House. This was Mr. Donnell's last appearance in public life. He had won prominence at the bar, was a member of the United States Congress from the New-Bern District, 1847-'48, and was as admirable for social qualities as he was high and unspotted as a public man. His premature death, which was shortly to occur, was bewailed by all who had known him. He never married, but few men have possessed a larger circle of devoted friends. Robert P. Dick of Guilford, and William A. Smith of Johnston, were seeing their first term, and both destined to become prominent in the State. Mr. Dick was the son of Judge John M. Dick, who had died two years before. He graduated at Chapel Hill in 1843, and had inherited his father's amiability and personal rectitude. He was polished and scholarly, and is yet respected for legal attainments and literary graces. He had been a Douglas elector, and never fully recovered his fealty to the Democratic party.

Intimation of an approaching attack on the forts at the mouth of the Cape Fear had been occasionally given for some time. General Bragg had assumed command at Wilmington, where General Whiting had also returned. Ten miles below the city, on the Northern bank of the river, stood Fort Lee, mounting twelve guns. Fort Anderson, defended by twenty pieces, was on the other side two miles below. Nearly fronting this rose the eminence known as Sugar Loaf. This singular conformation is a lofty sand-hill running from the river bank half way across the narrow peninsula, steep on the exterior but sloping on all

sides to a basin in the centre. It is a natural fortification, which the engineering skill of General Whiting, by fosse and rampart, had converted into an impregnable intrenched camp, containing perhaps one hundred acres. The bank of the river from Sugar Loaf to a point near Fort Fisher is a covered way from behind which all the navies of the world could not have shelled the veteran Confederate troops. Fort Fisher, at Federal Point, four miles below, is a long sand-spit with the outlines of a boot, being a miniature of Italy in that respect. The industry of Colonel William Lamb of the Thirty-sixth North Carolina Regiment, had skilfully constructed here a fortification, which had recently excited the admiration of General Beauregard. The parapet in the land face was lofty and prodigiously massive. Huge traverses between each gun towered high above this. This was the left defence. Strong batteries, for three quarters of a mile on the sea face, terminated with the Mound Battery on the right flank, commanding the bar and entrance of New Inlet. This artificial hill, nearly one hundred feet above the water, was crowned with two heavy guns, one of which was the eleven-inch Blakely rifle, brought from England by the cruiser *Sumpter*. In the rear of the Mound Battery was Fort Buchanan, commanded by Captain Chapman, Confederate States Navy, and manned by seamen and marines. The guns of this work also bore upon New Inlet and the channel of the Cape Fear. Fort Fisher mounted seventy guns and was well garrisoned.

Seven miles away across the river, at Smithville, the ancient work known as Fort Johnston, had been renovated and called in honor of General W. D. Pender. Two miles below stood Fort Caswell. This was a casemated work with a brick citadel, and had also been modernized and strengthened. It mounted about twenty-five guns, Fort Pender eight. Just across the mouth of the river rose Fort Holmes, commanded by Colonel Hedrick, who with his regiment, held command on Smith's Island; Colonel Simonton that of Caswell, and both reported to Brigadier-General Louis Hebert of Louisiana.

On the morning before Christmas a great fleet stood in from

the offing and commenced the attack. General Butler's experiment with the powder ship during the night had been attributed to accident, and no one dreamed that so much Federal powder had been wasted in an attempt to blow up the magazines of the fort. The United States frigate *Wabash*, with several huge wooden consorts and three monitors, opened the battle by an attack on Mound Battery. Soon more than five hundred of the heaviest guns modern science had been enabled to construct, were hurling their thundering missiles into the fort. Three hundred-pounder Parrots, and twenty-inch Rodman guns joined the fifteen-inch Columbiads and the guns of Fisher in producing an uproar which has scarcely been exceeded in the world's history.

With the earliest dawn of the blessed Yule-tide, the battle, which had ceased at night, was again renewed. All that day and a part of the next it raged with unabated fury. Through all the din and smoke the guns of Fisher gave back the enemy's fire, and especially in the case of the great Armstrong rifle, recently sent as a present from England, was serious damage inflicted upon the fleet. In the progress of the combat, re-inforcements were brought from the forts below and Major-General Hoke, with his division, arrived from Petersburg. The Admiral in command of the fleet and General Butler grew desperate of their undertaking, and by the evening of the 27th were far on their way to the port of Beaufort.*

Four years of warfare had fearfully wasted the resources of the South when the new year (1865) came upon the still belligerent States. General Lee with his thinned ranks, was still holding Petersburg in front of Grant, whose forces were increased until more than two hundred thousand soldiers had been gathered before the doomed cities of Richmond and Petersburg. General Lee had repeatedly informed the President that it was impossible for him to hold out much longer. Many wise and patriotic Congressmen were anxious for Mr. Davis to take steps leading to some arrangement with the United States. He

*Lieutenant-Colonel Gordon's (Acting Adjutant-General) Report.

was deaf to their appeals and blind to the awful significance of the situation. Application through Governor Graham, then in the Confederate States Senate, was made to the Governor of North Carolina to do what the Richmond government should have done, but Governor Vance rightly refused to take any step which might lead to misconstruction.* The mission of a statesman is not that of a philosopher. The duty of the latter is to ascertain and exhibit what is better for society; the former must take men as they are, and so rule the State that the greatest good in his control may reach the largest number. As it was, with the attitude of the Confederate government, though Mr. Lincoln was anxious for peace, nothing came of the Old Point conference.†

The condition of North Carolina was utterly deplorable. Bereavement was in three-fourths of our households. Want and suffering in every portion of the State, while from the South the huge army of General Sherman was each day approaching nearer to our borders. The enemy had become re-established in Plymouth. Secretary Mallory, with that blundering incapacity observable in his entire course while in charge of the Confederate Navy, had removed the gallant Cooke, and his successor had allowed Lieutenant William B. Cushing of the Federal Navy, to approach at night, and thus blow up and sink the ram *Albatross*. The town, as an inevitable consequence, was at once taken possession of by the enemy.

There was great rejoicing at the defeat of the expedition against Fort Fisher. Wilmington and the Cape Fear were all important to the Confederacy, and the congratulations went round when the enemy apparently corroborated General Beauregard's opinion, that the great work was impregnable. About January 5th, General Bragg withdrew all the forces from the intrenched camp above Fort Fisher, leaving Adams' Light Battery and a few squadrons of cavalry. This fatal movement had no ostensible cause but for the troops to be passed in review

*Governor Vance's White Sulphur Springs Address.

†Holmes, page 314.

near the city.* General Whiting had kept Colonel George Jackson, with all his available infantry force, at Sugar Loaf, to aid the garrison in case of attack on the part of the enemy. He relied upon the river banks as a shelter against naval bombardment and for safe communication between the two points. About midnight of the 12th, Colonel Lamb telegraphed to General Whiting that the fleet of the enemy had returned. Admiral Porter was again commander of the ships, but Butler had been replaced by a man of very different stamp, Brevet-Major-General Alfred H. Terry, at that time commanding the first division, Twenty-fourth Army Corps. He had won distinction both in the open field and in the sieges of Forts Pulaski and Wagner. He was in command of two divisions, one, that of General Adelbert Ames, the other, the colored division of General Charles J. Paine, and also the brigade then in command of Colonel J. C. Abbott of New Hampshire. He had two light batteries and a siege train containing twenty thirty-pounder Parrotts, four one hundred-pounder Parrotts and twenty Coehorn mortars under Colonel H. L. Abbott.*

On the morning of the 13th, the gun-boats were sent in close to the shore and swept the woods with their fire, but no signs of the Confederates were seen. Captain Adams went into Fort Fisher and sent his horses out, while the cavalry from the bushes up the beach looked in awe-stricken silence on the vast armada, numbering besides transports sixty-eight war steamers, one double-turretted and three single-turretted monitors. Hundreds of yawl boats were put into requisition and the land force, by 3 o'clock p. m., were all landed. The point of landing was just above the head of Masonboro Sound, around which, and a mile further in the direction of Fisher, General Terry proceeded, when he turned to the right and assigned General Paine's division and Abbott's brigade

*NOTE.—I have been lately told by Captain Charles G. Elliot, Acting Adjutant-General in Hoke's division, that it was intended to attack the enemy in New-Bern.

their position. It was across the peninsula from the ocean to the river. Ames' division intrenched themselves across the neck of land a mile nearer to Fort Fisher.

The Federal arrangements had been consummated before troops were brought back from Wilmington. General Hoke, with Clingman's, Kirkland's and Colquitt's brigades, hurried to Sugar Loaf, but alas! too late. General Bragg with General Hoke, taking the troops except Battery A, Third North Carolina Battalion, the cavalry and Junior Reserves, which were left to hold the line against assault from the sea-beach, made a reconnoissance. They found the enemy strongly intrenched from river to sea, and with sad hearts returned to the trenches.

The great fleet of the Christmas attack seemed to have all returned when it was light enough on the morning of the 13th, for Colonel Lamb and his beleagured garrison to gaze upon the ocean. At 2 o'clock A. M., the famous ship *Ironsides*, accompanied by the four monitors, approached and opened their fire upon the land-face of the fort. At 5 o'clock P. M., they were joined by the three steam frigates *Minnesota*, *Wabash* and *Colorado*, and the fire became terrific and continued for an hour. Colonel Lamb, in momentary expectation of assault upon the land-face by the troops of General Ames, solicited re-inforcements. Captain Chapman sent up his sixty men from Fort Buchanan. Six companies brought from the forts at the mouth of the river, arrived at 8 o'clock P. M., and late in the night Major Reilly came with one hundred and fifty men. General Whiting in person, reached the fort in the course of the day, and, with Colonel Lamb, was on the works and beach, keeping watch on the enemy's movements a large portion of the night. The palisades were manned and guns bearing upon Ames' position were continually discharged at intervals.*

The morning of the 14th the fleet again opened the attack. They concentrated their fire, as on the day before, upon the land-

*Colonel Gordon's Report.

face. Of the twenty-two heavy guns sweeping the land approaches, all except one eight-inch Columbiad had been disabled. Nine thousand men, under General Terry, were close at hand and still re-inforcements had not arrived to meet the coming assault; but at last, late at night, three regiments of Hagood's South Carolina brigade arrived at Fort Buchanan, and were marched up to Fisher. The enemy's sharp-shooters had established themselves within one hundred yards of the fort, and from their rifle pits were excessively annoying to men serving the guns.*

On the morning of the 15th the combined guns of the fleet were opened again upon the devoted fort. The land-face, as before, being the chief object of attack. The fort answered slowly and bravely the fire of the enemy, but the wooden ships were too far at sea to be much injured and the ironclads seemed invulnerable to every gun which could be brought to bear. At noon General Terry superintended in person the arrangements of the column of attack.

At 3 o'clock he signaled the Admiral to change his fire, and the storm of shells went down the sea-face as Curtis' brigade, followed by those of Pennypacker and Bell, rushed forward to the attack. Five hundred men fell before they reached the fort, but all of the gun-chambers had not been manned, as most of the Confederate troops had been placed in the bomb-proofs during the enemy's tremendous fire on the land-face. On this account seven traverses and four hundred prisoners had been captured. "But still," says the Federal Inspector-General of the expedition, "the Confederates held their remaining works with the same admirable, dauntless, unyielding tenacity."† This occurred on the river end of the land-face. A simultaneous attack by sixteen hundred sailors and four hundred marines was made on the northeast sea-face position under Lieutenant-Commander K. R. Breese. At that point Captain John M. Sutton, with Company C, Third North Carolina Battalion, was posted. This angle had

*Colonel Gordon's Report.

†Colonel Towle's Report.

suffered horribly in the bombardment. All the guns were dismounted, and small arms were mostly relied upon, as the Confederates, in silence awaited the approaching enemy. Porter's orders were: "To board the fort, cutlass in hand, and in case of repulse, every three to seize an enemy and pitch him over the parapet." Under cover of the drifting smoke they were close at hand before discovered, and were moving in a dense column, at short range. A deadly fire of musketry, grape and canister saluted them and put them to speedy flight.*

It was then 5 o'clock in the afternoon. The three Federal brigades found fearful resistance still within the walls of the fort, and General Abbott's brigade, fourteen hundred strong, was ordered up as supports. From an inner line of rifle pits and the reversed guns on the sea-face an unceasing fire was kept up upon the assailants. "Through the whole evening," says Colonel Towle, already quoted as an officer of the enemy, "until long after darkness closed in they had offered the most stubborn defence. Never did soldiers display more desperate bravery and brilliant valor. With their leaders, Whiting and Lamb, both disabled with wounds, sadly reduced in numbers, well foreseeing the fresh force to be brought against them—under these circumstances, they gradually abandoned the fort and retreated about a mile to the extreme point of the peninsula."

The battle was over by 10 o'clock in the night, and two thousand and eighty-three officers and men became prisoners of war. The enemy testified to the conspicuous gallantry both of General Whiting and Colonel Lamb. The former refused to assume command and generously left to his subordinate the fresh laurels to be won in defence of the work he had so long and skilfully labored to erect. Both were badly wounded, and General Whiting did not survive a month. In dying he bequeathed his sword to Captain John M. Sutton, Third North Carolina Battalion, who had displayed such romantic valor both in this and

*Colonel Towle's Report.

the previous attack upon Fort Fisher. He had lost one-fourth of his men engaged, and was equally admirable for his brilliant courage and youthful comeliness. It is mournful to add that John Sutton too, soon followed in death his brave and capable commander. The Confederates had lost five hundred men in killed and wounded, while the Federal loss was three times that number. All of their brigade commanders participating in the assault were disabled, beside a large number of field officers killed and wounded. A fresh calamity occurred at 8 o'clock on the morning of the 16th. By accident, the principal magazine blew up, engulfing one hundred of the enemy and thirty wounded Confederates, and wounding ninety more of the United States troops.* Thus ended the siege of Fort Fisher. Barring the fatal removal of the troops from Sugar Loaf to Wilmington, the conduct and courage of both sides were entirely admirable. A fell blow had been dealt the tottering Confederacy and the carnival of death was soon to cease.

Upon the fall of Fort Fisher the enemy attempted to move by the way of the eastern bank of Cape Fear River upon the city of Wilmington. This place is thirty miles above Fisher. Their march was arrested by the intrenched camp at Sugar Loaf and by the lines of defence stretching across the peninsula from the river to a morass bordering upon the lower end of Masonboro Sound. General Hoke had posted Lieutenant Alfred M. Darden with seventy men of the survivors of Company C, Third North Carolina Battalion, on the summit of Sugar Loaf. This battery and the guns at Fort Anderson, just across the river, kept the enemy's gun-boats at bay. Brigadier-General W. W. Kirkland of Orange, with his brigade held the intrenched camp. He had highly distinguished himself as Colonel of the Twenty-first North Carolina Volunteers. At the foot of the hill were posted the Junior and Senior Reserves under Colonel J. K. Connolly. Across the telegraph road, upon their left, was Battery A, Third North Carolina Battalion, Captain A. J. Ellis. Next was the brigade of

*Colonel Towle's Report.

General Clingman and still further the Georgia brigade of General Colquitt. For tedious weeks the great guns of the mighty fleet, close in upon the left flank and the sharp-shooters in front, made no impression upon General Hoke and his men. The assault so often threatened never came, and amid the deafening sound and roar of the shells the patient Confederates looked for an opportunity of vengeance on the captors of Fisher.*

At length General Schofield came with a full army corps of Federals to re-inforce General Terry. These were landed at Lockwood's Folly and rendered Forts Caswell, Holmes, Campbell, Pender and Anderson untenable. Their garrisons, with the remnant of General Hagood's South Carolina brigade, not captured in Fisher, made a stand at Town Creek. A section of Battery B, Third North Carolina Battalion, under Lieutenant John M. Jones of Edenton fought, with great bravery and were captured still firing canister at the advancing enemy.

This movement of General Schofield rendered General Hoke's longer stay at Sugar Loaf impossible. A perilous retreat up the narrow peninsula, with a fleet on either flank and a superior force of the pursuing enemy, was at once begun and safely accomplished. He was at the outer works surrounding Wilmington when the pursuers came in sight, and these were speedily driven back by a few rounds from Ellis' guns. Onward, through the doomed city passed the Confederates, still bravely covering the rear, until the final passage at arms across North-East River.

The fall of Wilmington was an end to all blockade-running. Quite a fleet of magnificent steamers became the enemy's prey, and the last hope of a Confederate Navy perished. Two ironclads had been constructed at Wilmington. One had broken her back upon the bar, off New Inlet, in the effort to reach the blockaders before the fall of Fort Fisher, and the other had such wretched apologies for engines, that it was an equal failure. The famous *Alabama* had been sunk June 19th of the previous year, and only the *Shenandoah* commanded by Captain James Iredell

*Personal Recollections.

Waddell of North Carolina, now remained at sea. Commander Winslow of the *Kearsage*, who had defeated Admiral Raphael Semmes and destroyed his ship, was also a North Carolinian and was reared in Forsyth county.

General Hoke again met the enemy at Kinston and after a brave and unavailing resistance, retired upon Goldsboro. Major Lucius J. Johnson of the Seventeenth North Carolina Volunteers, was captured for the third time, and soon after died. He was a most cultivated and patriotic officer, being a graduate of the State University in the class of 1840.

General Lee, as Commander-in-chief of all the Confederate armies, procured the re-appointment of General Joseph E. Johnston to the command of the forces being collected for the defence of North Carolina. General Hardee came with the men lately defending Charleston. General Cheatham with a division of those who had survived the horrors and disasters of Hood's campaign. General Hampton brought a cavalry division from Virginia and General Wheeler another from the South. These, added to Hoke's division and the Wilmington garrisons, amounted, April 10th, to twenty-four thousand five hundred men.

General Sherman reached Fayetteville March 11th. General Wade Hampton was at dinner in a hotel, when the enemy's advance guard came at a gallop down the streets, driving in the flying pickets. The bold cavalier put himself at the head of his staff and couriers present and led a headlong charge upon the advancing horsemen. They were routed and driven back in confusion. Two Federal troopers fell by Hampton's own hand and twelve others were said to have previously suffered a similar fate during the course of the war.*

General Hardee, with his command, met Sherman at Averasboro, and stoutly held his ground until, night coming on, he withdrew his force in the face of the great host he had encountered, and retired toward Bentonsville. At that point General Johnston had collected fifteen thousand men, March 19th, and

*Statement of Colonel Garnett, Acting Adjutant-General.

awaited the onset of the enemy. Bentonsville is a little hamlet in Johnston county, near Smithfield, where the court-house is located. Sherman's attack was upon the left, where the divisions of Hoke and Cheatham and the late Cape Fear garrisons were posted. Six successive assaults of the enemy had been repelled, when General Johnston ordered an advance. A glorious emulation was developed among troops assembled from such distant localities. Three successive lines of the Federal breastworks were carried and the late assailants driven from the field.* This success had not been achieved bloodlessly. The stubbornness of the conflict was illustrated in the case of the First North Carolina Battalion. This command carried two hundred and sixty-seven men into battle and lost one hundred and fifty-two. Lieutenant-Colonel John D. Taylor commanding, lost an arm, and three of the four captains were killed. The enemy lost largely in prisoners, and twelve Napoleon guns. Sherman withdrew to Goldsboro, where, three days later, he was joined by the corps of Schofield from Kinston, and that of Terry from Wilmington.†

The condition of General Lee and the small remnant of the men he had so long and nobly commanded, was as that of a wounded lion who perishes from a multitude of injuries, none of which are mortal in themselves, but destructive in the fact of their number. They had, for four years, held their own in the face of overwhelming numbers, and, though foiled at Gettysburg, had never shown their backs to the foe. Napoleon and his veterans won immortality more by massing numbers in unexpected places than any other military means. Wellington drove the French from the Peninsula in consequence of discord among the Marshals of the Empire, and generally retreated before a superior force. The great Federal army always in General Lee's front, prevented the use of such tactics, and his many victories were the fruit both of his own genius and the surpassing individual courage of his soldiers.

*Johnston's Narrative, page 387.

†Holmes, page 317.

Countless assaults upon the long lines enveloping Petersburg and Richmond had been repelled. Repeated movements to cut the railroad communications had been repeatedly foiled, when General Grant again received a bloody check at Hatcher's Run, February 6th. His lines had been broken and his left wing greatly endangered by the temporary success of the Confederates, March 25th. On March 1st, General Hampton, with three hundred and six men from the First and Second North Carolina Cavalry Regiments, made a brilliant night attack upon Kilpatrick's division of cavalry, then raiding upon Richmond. They were bivouacked on Brooke Turnpike, near the city, and were driven from camp in confusion by this small force. Colonel Cheek of the First Regiment bravely led in the assault, and won honorable mention in his great commander's report of the affair.* This success led to the discomfiture and death of General Dahlgreen, whose column was also moving on a different but converging line of attack. On the 27th, Sheridan brought down nine thousand additional cavalry from the Valley, and two days later seized Dinwiddie Court House. Major-General W. H. F. Lee, second son of the great chief, was guarding the right flank of the army. His division consisted of General Rufus Barringer's and General William P. Roberts' North Carolina brigades, and that of General Beale from Virginia. He moved at once in search of Sheridan. Late on the 30th, General W. H. F. Lee joined the forces of his cousin, Major-General Fitz-Hugh Lee, near the famous field of Five Forks. The next day they moved out to meet the enemy. Sheridan was camped on the other side of Chamberlain Run. Fitz Lee and General Pickett were some distance to the left, when Barringer's brigade, supported by that of Beale, charged across the stream and captured the Federal lines on the other side. Many of the enemy perished in their efforts to escape across the swollen creek. A mounted squadron of the Thirteenth Virginia was checked in pursuit. The retreating foe was re-inforced and two North Caro-

*General Hampton's report.

lina regiments failing to dislodge them, the division re-crossed the river and waited a concert of movement by the corps. Only two brigades had been engaged. Beale's brigade had lost twenty-four men, killed and wounded, and Barringer's one hundred and ten. Colonel McNeill, Lieutenant-Colonel Shaw and Major Harris, all of the Fifth North Carolina Cavalry, were slain. Lieutenant-Colonel Gaines of the Second, lost an arm, and Major McLeod of the First, was badly wounded in the face. Towards evening the attack was repeated with entire success. Fitz Lee and Pickett participating in the action which resulted in driving Sheridan from the field.* General Roberts valiantly joined with his brigade, and, as on every occasion, was conspicuous in his dashing gallantry. He was reared in Gates county and began the war as First Sergeant of Boothe's company, in the Second North Carolina Cavalry. He had been recently promoted, and succeeded General Dearing in command of the Second North Carolina brigade. Brave almost to rashness, he was noted for his coolness in danger, rigid adhesion to discipline and great promise as an officer.

The end of all was nigh at hand. Sheridan, thoroughly beaten at all points, called for help and was heavily re-inforced by Grant. The whole of the Fifth Corps of the Federal army was moved to his assistance. As the first day of April dawned, Sheridan, with these overwhelming forces, turned upon his pursuers and most terribly avenged his late disaster. With much courage and skill, he carried the fortified lines of Pickett and Fitz Lee, capturing six thousand prisoners.

The blow was fatal and irretreivable. The next morning General Lee's attenuated lines around Petersburg were pierced in three places, and then, when all hope of further successful resistance was gone, General Ambrose Powell Hill, the hero of a hundred combats, perished with the falling cause he so nobly struggled to uphold. He had led many thousands of our North

*General Rufus Barringer's Report.

Carolina men in victory and his memory is yet embraced in countless hearts of the State.

As the few survivors of the general wreck hurried to their doom at Appomattox, after one of those brilliant combats which resembled the expiring energies of a grand nature in its decay, General Lee sat heart-broken and alone by the roadside. The men, in soiled and tattered garments, streamed by him in disorderly retreat.* As he contrasted their present condition with

*NOTE.—In the disastrous final retreat there were many brave deeds done by the troops of North Carolina. Especially did Major-General Bryan Grimes and Brigadier-General William R. Cox distinguish themselves. General Grimes had won his way to the proud position he then held amid the few immortals surviving the many glorious conflicts waged by the Army of Northern Virginia. His bravery and devotion were supervised by an intelligent and scrupulous regard for his command, and no officer rendered fuller or more patriotic duty to the Southern cause. General Grimes has kindly given the author of this work a summary of the retreat and surrender, which is so much more interesting and instructive than anything I could produce, that I have thought best to produce the report as it came from General Grimes, and is now for the first time made public.

NEAR WASHINGTON, N. C., November 5, 1879.

TO MAJOR JOHN W. MOORE:

On the night of Saturday, the 1st of April, 1865, my division occupied a portion of the defences around the city of Petersburg, my left resting on Otey's Battery, near the famous Crater, my right extending to the dam beyond Battery 45, Ramseur's old brigade of North Carolinians, commanded by Colonel W. R. Cox, Second North Carolina, holding appointment as temporary Brigadier, on the right, Archer's brigade of Virginia Junior Reserves, Grimes' old brigade of North Carolinians, commanded by Colonel D. G. Coward of the Thirty-second North Carolina, Battle's brigade of Alabama, by Colonel Hobson's Fifth Alabama, Cooke's brigade of Georgians, by Colonel Nash, extending to the left, in the order above named—numbering for duty about two thousand two hundred muskets, covering at least three and a half miles of the trenches around Petersburg, with one-third of my men constantly on picket duty in our front, one-third kept awake at the breastworks during the night, with one-third only off duty at a time, and they required to sleep with their accoutrements on and upon their arms, ready to repel an attack at a moment's warning. About 10 o'clock on the night of April 1st, 1865, the cannonading from the artillery and mortars in my front became unusually severe, and at about 11 o'clock the Federals charged, capturing my picket line, which consisted of pits dug in the earth for protection from sharp-shooters, and occupied by my sol-

that of years gone by, the measured and ringing tramp of men still unimpaired in discipline, fell upon his ear. The great chief's countenance brightened, and he asked with animation what command it was. "General Cox's North Carolina brigade," said they, and then General Lee looked a benison upon them as he muttered: "God bless North Carolina."* This grandest and best of soldiers ended his military career on the 9th of April, but lost nothing of the world's admiration or of his people's love in

diers, varying in distance from one hundred to one hundred and fifty yards in front of our main breastworks. I took measures immediately to re-establish the line, which was successfully accomplished, and our pits re-occupied.

About daylight of the 2nd the enemy again drove in our pickets, and charged Runes' salient, at the point where Battle's brigade was posted, carrying the work for a few hundred yards, on each side of that point, doubling and throwing Cooke's brigade back a short distance. I hurried Colonels Cowand's and Archer's commands to the point of attack as rapidly as possible, charging the enemy, who were in possession of, and protected by our traverses and bomb-proofs, (which were erected to prevent our line being enfiladed and as places of refuge from their perpendicular mortar fire), and continued gradually to regain traverse after traverse of our captured works. I then secured four pieces of artillery, which were placed in our second line of works, whose services were invaluable in checking the advance of the enemy, thus confining them by grape and canister to this particular point at the salient, preventing their advancing to attack our lines in flank or rear. Cook and Battle holding them in check on the left, and Cowand and Archer on the right of the captured works, their only point of egress being exposed to the fire of the artillery. I regret my inability to recall the name and thus give honorable mention to those gallant artillerists who rendered me such effective service.

During the forenoon ——— Brigade, under command of Colonel ———, reported to me for duty and were placed near the artillery in this second line of earthworks (which had been constructed to fall back upon in case of disaster to our front line). My dispositions were soon made to attack the enemy simultaneously at all points: Cowand and Archer on the right, Cooke and Battle on the left, who were to drive them from the protection of their traverses, Colonel ———'s command in front with a heavy line of skirmishers, connecting his left with Cooke, and his right with Cowand. My four pieces of artillery poured grape and canister into the enemy, and I gave the signal for the infantry to advance, when a general charge was made, but through a direct violation of orders on the part of Colonel ———, this attack only partially succeeded, capturing that portion of the line alone upon which the

*Living and Dead.

the humble sphere in which his few remaining years were to be spent.

General Lee, foreseeing on Saturday, April 1st, the inevitable consequence of the disaster at Five Forks, had communicated with General Johnston as to his condition, and on Sunday, April 2nd, the Third North Carolina Battalion, then consisting of six and one-half light batteries, was ordered to move at once to Greensboro, but was further directed by General Johnston to

skirmishers advanced, Colonel —— having changed the direction of attack and charged the point assigned to the skirmishers on the right, thereby leaving a space of three hundred yards unassailed. There is no doubt in my mind if Colonel —— had attacked with vigor at that time, we could have driven the enemy entirely from our works. After the lapse of an hour, during which time the enemy were heavily re-inforced, I ordered another attack from the second line, in which Colonel —— participated; but by again diverting his brigade in the direction of Coward's brigade, instead of towards the salient, the enemy were dislodged from only a small portion of the line. Subsequently sixty men of Johnston's North Carolina brigade, under command of Captain Plato Durham, re-captured Fort Mahone, which for an hour had been so covered by our fire as to forbid their showing themselves. In taking this fort a large number of prisoners were captured, so many in fact, that when I first saw them skulking behind the earthworks, for protection against the fire of their own men, I feared it was a ruse on the part of the enemy to surprise us, they having secreted themselves for safety in this work, and we in our charge had taken the only outlet. After this, no general attack was made, though we continued slowly, but gradually, to drive them from traverse to traverse. About nightfall the enemy occupied some two hundred yards of our breastworks. Through no inefficiency or negligence on the part of the officers and men were the works carried, but owing to the weakness of the line, its extreme length and the want of sufficient force to defend it, for they acted most heroically on this trying occasion, only one unwounded man (an officer) did I see seeking the rear; and he was one whom I had the previous day ordered under arrest for trafficking with the enemy (exchanging tobacco for coffee). Him I hailed and enquired where he was going, when he recalled his arrest on the previous day, from which I immediately released him and sent him back to his command. I had, in a verbal conference with General Lee, and afterwards officially, reported my inability to hold this point against any vigorous attack. In consequence of this report, Lieutenant-Colonel Peyton, the Army Inspector, was sent the day before to examine this line, who coincided with my views, and so reported to General Lee. On an average, throughout, the space from man to man was at least eight feet in the lines of trenches. I doubted not, that with a reserve of five hundred men, I could have driven the enemy from any point which they might have captured, and repeatedly urged that such an arrange-

avoid Raleigh, which lay in the route. This precaution was to avert alarm in the State capital. The whole army followed the next day, and at Chapel Hill met the first of those who had been paroled at Appomattox.

General Johnston was informed by Lieutenant-General Hampton, on the 9th of April, that General Sherman had got in readiness for a formal movement. The next day he informed the Confederate commander that the enemy was already in motion

ment be made, knowing well that the enemy, by concentrating a large force on any given point, could press their way through the line, and my only salvation was in having the means at hand of driving them back before great numbers could enter. On our left was the post of greatest danger. There should the reserve have been placed, but General Lee informed me that every available man was on duty and I must do the best I could.

On Sunday night of the 2nd we had orders to abandon the works, and, without the knowledge of the Federals, we withdrew to the north side of the Appomattox River, following the Hickory Road to Goode's Bridge, where we re-crossed the Appomattox, proceeding towards Amelia Court House, which we reached on the morning of the 5th. Wednesday we remained stationary in line of battle, confronting the enemy until about dark, when we followed the army bringing up the rear, being very much impeded on the march by the wagon train and its most miserable mismanagement, which I apprehended would cause us some disaster. The enemy showed themselves on Thursday, about 8 o'clock A. M., in our rear and on our left flank when near Amelia Springs, and in a short time began to press us vigorously. I then formed Cox's and Coward's brigades in line of battle, with a heavy skirmish line in front to impede their progress and to cover our rear, sending Battle's, Cooke's and Archer's brigades forward for one-half mile to form there, across the road in line of battle, in order to allow Coward and Cox to retreat safely when the enemy had deployed and prepared to attack, our right flank being protected by a North Carolina brigade of cavalry, under General Roberts. In this manner, alternating the brigades throughout the day, we continued to oppose the enemy and retreat, endeavoring to protect the lagging wagon train, which was successfully done, up to about 4 o'clock P. M., when we approached Sailan Creek, and at that stream we made the final stand of the day, the wagons becoming blocked up at the bridge crossing the stream at this point. General Lee came to me and ordered, if possible, to hold this line of hills until he could have artillery put in position on the opposite hills, over the creek, parallel with those I occupied. The enemy pushed on rapidly, attacking us with very great pertinacity. We here repeatedly repulsed their assaults, but by turning both of our flanks, they succeeded in not only dislodging, but driving us across the creek in confusion. About now the artillery from the heights occupied by General Lee opened upon the enemy, and, the sun being down, the enemy did

and the retreat of the Southern army at once began, in the direction of Raleigh. Hardee's corps, covered by Butler's cavalry as a rear-guard, went by the way of the Goldsboro road, and the two corps of Generals Stewart and Stephen D. Lee, followed by Wheeler's cavalry division, passed up the route leading over Battle's Bridge. Nothing remarkable occurred in Sherman's taking possession of the capital of the State on the 13th, save the death of a reckless Confederate cavalryman, Lieutenant

not continue the pursuit across the creek. After we broke, personally, I was so pressed, that the space between the two wings of the enemy was not over two hundred yards, when I sought safety in retreat. I galloped to the creek (the bridge being in their possession), where the banks were very precipitous, and, for protection from their murderous fire, concluded to jump my horse in, ride him through the water and effect my escape by abandoning him on the other side, the bullets of the enemy whistling around me like hail all the while. By great good fortune, the opposite banks proved not so precipitous, and my horse, seeming to appreciate the situation, clambered up the heights and started off in a run, thus securing my safety. This same animal, Warren, I still own and treasure for his past services. That night we took the road for Farmville, crossing the Appomattox at High Bridge, posting guards on the south side, thus collecting all stragglers and returning them to their commands.

The next morning (Friday) we continued our march down the railroads and formed line of battle on the Lynchburg road, still endeavoring to preserve that "*impedimenta*" of Caesar's, the wagon train, marching by the left flank, through the woods parallel to the road traveled by the wagon train and about one hundred yards or so distant from the road. Upon reaching the road and point that turns towards Lynchburg from the Cumberland road, three of my brigades—Cooke's, Cox's and Coward's—had crossed the Cumberland road and were in line of battle and at right angles with Battle's and Archer's brigades, who were still parallel with the Cumberland road. Heavy firing was going on at this point, when General Mahone came rushing up and reported that the enemy had charged, turning his flank and driving his men from their guns and the works which he had erected early in the day, for the protection of these cross-roads. I then ordered my three brigades—Cooke's, Cox's and Coward's—at a double-quick on the line with Battle and Archer, charging the enemy and driving them well off from Mahone's works, recapturing the artillery taken by them, and capturing a large number of prisoners and holding this position until sent for by General Lee, who complimented the troops of the division upon the charge made and service rendered, ordering me to leave a skirmish line in my front and that Field's division would occupy my position, and I, to hurry with all possible dispatch to the road which intersected the Lynchburg road, as the enemy's cavalry were reported to be approaching by

Walsh of Texas, who waited in front of the State-House to fire on the advance under General Kilpatrick. His horse falling when he turned to escape, he was captured and taken before Kilpatrick, who ordered the soldier to be immediately hanged. His body was taken from the tree by kind citizens of Raleigh, and his remains now repose in the Confederate Cemetery.

Upon conference at Goldsboro, between President Davis and Generals Johnston, Beauregard and Breckenridge, it was decided

that road. We reached this road, halting and keeping the enemy in check until the wagons had passed, and then continued the march parallel with the road traveled by the wagon train, continuing thus to march until night, when we took the road, following to protect the trains.

On Saturday, the 8th, no enemy appeared, and we marched undisturbed all day. Up to this time, since the evacuation of Petersburg, we had marched day and night, continually followed and harrassed by the enemy; the men were very much jaded and suffering for necessary sustenance, our halts not having been sufficiently long to prepare their food, besides all of our cooking utensils not captured or abandoned, were where we could not reach them. This day Bushrod Johnson's division was assigned to and placed under my command by order of General Lee. Upon passing a clear stream of water and learning that the other divisions of the corps had gone into camp some two or three miles ahead, I concluded to halt and give my broken down men an opportunity to close up and rejoin us, and sent a message to General Gordon, commanding the corps, making known my whereabouts and informing him I would be at any point he might designate at any hour desired. By dark my men were all quiet and asleep. About nine o'clock I heard the roar of artillery in our front, and in consequence of information received I had my command aroused in time and passed through the town of Appomattox Court House before daylight, where, upon the opposite side of the town, I found the enemy in my front. Throwing out my skirmishers and forming line of battle, I reconnoitered and satisfied myself as to their position and awaited the arrival of General Gordon for instructions, who a while before day, accompanied by General Fitz Lee, came to my position, when we held a council of war. General Gordon was of the opinion that the troops in our front were cavalry, and that General Fitz Lee should attack. Fitz Lee thought they were infantry and that Gordon should attack. They discussed the matter so long that I became impatient and said it was the duty of some one to attack, and that immediately, and I felt satisfied that they could be driven from the cross-roads occupied by them, which was the route it was desirable our wagon train should pursue, and that I would undertake it; whereupon Gordon said: "Well, drive them off." I replied, "I cannot do so with my division alone, but require assistance." He then said: "You can take the other two divisions of the corps." About

that the struggle should cease. Mr. Davis said that as the government of the United States had all along refused to acknowledge him officially, it was better that an offer of surrender should come from General Johnston, and reluctantly gave up his desire to re-inforce the army by calling for absentees from the ranks and the militia. The bulk of the Confederates were posted between the towns of Greensboro and Hillsboro. On the 13th a letter proposing a meeting to arrange the terms of a sur-

this time it was becoming sufficiently light to make the surrounding localities visible.

I then rode down and invited General Walker, who commanded a division on my left, composed principally of Virginians, to ride with me, showed him the position of the enemy and explained to him my views and plan of attack. He agreed with me as to its advisability. I did this because I felt I had assumed a very great responsibility when I took upon myself the charge of making the attack. I then made disposition to dislodge the Federals from their position, placing Bushrod Johnson's division upon my right, with instructions to attack and take the enemy in flank, while my division skirmishers charged in front where temporary earthworks had been thrown up by the enemy, their cavalry holding the crossings of the road with a battery. I soon perceived a disposition on their part to attack this division in flank. I rode back and threw their right so as to take advantage of some ditches and fences to obstruct their cavalry if they should attempt to make a charge. In the meantime, the cavalry of Fitz Lee were proceeding by a circuitous route to get in the rear of them at these cross-roads. The enemy, observing me placing these troops in position, opened upon me with four pieces of artillery. I remember well the appearance of the shells, and how directly they came towards me, exploding and completely enveloping me in smoke. I then gave the signal to advance, at the same time Fitz Lee charged those posted at the cross-roads, when my skirmishers attacked the breastworks, which were taken without much loss on my part, also capturing several pieces of artillery and a large number of prisoners, I at the same time moving the division up to the support of the skirmishers in *echelon* by brigades, driving the enemy in confusion for three quarters of a mile beyond a range of hills, covered with oak undergrowth. I then learned from prisoners that my right flank was threatened. Halting my troops, I placed the skirmishers commanded by Colonel J. R. Winston, Forty-fifth North Carolina Troops, in front about one hundred yards distant to give notice of indications of attack. Placed Cox's brigade, who occupied the right of the division, at right angles to the other troops to watch that flank. The other divisions of the corps (Walker's and Evans') were on the left. I then sent an officer to General Gordon, announcing our success and that the Lynchburg road was open for the escape of the wagons and that I awaited orders.

render was written and sent to Lieutenant-General Hampton, at the front, to be by him forwarded to General Sherman. This was done on the next day. On the 16th, a reply was received from General Sherman acceding to Johnston's overtures. The commanders met at the house of a Mr. Bennett, near Hillsboro. There the terms of armistice entered into on the 18th of April, 1865, were signed and forwarded to Washington. The Confederates in arms were to be disbanded. The government of the United

Thereupon I received an order to withdraw, which I declined to do, supposing that General Gordon did not understand the commanding position which my troops occupied, and continued to send me orders to the same effect, which I still disregarded, being under the impression that he did not comprehend our favorable location, until, finally, I received a message from him with an additional one, as coming from General Lee, to fall back. I felt the difficulty of withdrawing without disaster, and ordered Colonel J. R. Winston, commanding the skirmish line, (which had been posted in my front on first reaching these hills), to conform his movements to those of the division and to move by the left flank, so as to give notice of an attack from that quarter. I then ordered Cox to maintain his position in line of battle and not to show himself until our rear was one hundred yards distant, and then to fall back in line of battle, so as to protect our rear and right flank from assault. I then instructed Major Peyton of my staff to start the left in motion, and I continued with the rear. The enemy, upon seeing us move off, rushed out from under cover, with a cheer, when Cox's brigade, lying concealed at the brow of a hill, rose and fired a volley into them, which drove them back into the woods; the brigade then following their retreating comrades in line of battle unmolested. After proceeding about half the distance to the position occupied by us in the morning, a dense mass of the enemy in column (infantry) appeared on our right and advanced, without firing, towards the earthworks captured by us in the early morning, when a battery of artillery opened with grape and canister and drove them under the shelter of the woods. As my troops approached their position of the morning, I rode up to General Gordon and asked were I should form line of battle; he replied, "anywhere you choose." Struck by the strangeness of the reply, I asked an explanation, whereupon he informed me that we would be surrendered. I expressed very forcibly my dissent to being surrendered, and indignantly upbraided him for not giving me notice of such intention, as I could have escaped with my division and joined General Joe Johnston, then in North Carolina; furthermore, that I should then inform my men of the purpose to surrender, and that whomsoever desired to escape that calamity could go with me, and galloped off to carry this idea into effect. Before reaching my troops however, General Gordon overtook me, and placing his hand on my shoulder, asked me if I were going to desert the army, and tarnish

States was to be recognized by the Confederates, and the Union men were, on the other hand, to do the same toward the Southern State governments upon their taking oaths of allegiance. Where conflicting governments were in the same State, the matter should be left to the arbitration of the United States Supreme Court, the re-establishment of Federal Courts in the South and amnesty to men of both sides of the controversy in the South. While waiting to hear from Washington as to these terms a neutral line was agreed upon to pass through Tyrrell's Mount, Chapel Hill, Durham and West Point on the Neuse River. Mr. Davis approved the terms of the conference, and as they had been made in consonance with instructions recently given at City Point by Mr. Lincoln to General Sherman, there was hope that the United States government would also ratify the action of Southern commanders, but Andrew Johnson was in a false position. He, a Southern man, was afraid to do what Abraham Lincoln would

my own honor as a soldier, that it would be a reflection upon General Lee, and an indelible disgrace to me, that I, an officer of rank, should escape under a flag of truce which was pending. I was in a dilemma and knew not what to do, but finally concluded to say nothing on the subject to my troops.

Upon reaching them one of the soldiers inquired if General Lee had surrendered; upon answering I feared it was a fact that we had been surrendered, he cast away his musket, and holding his hands aloft, cried in an agonized voice, "Blow, Gabriel, blow; My God, let him blow; I am ready to die." We then went beyond the creek at Appomattox Court House and stacked arms amid the bitter tears of bronzed veterans, regretting the necessity of capitulation.

Among the incidents ever fresh in my memory of this fatal day to the Confederacy is the remark of a private soldier. When riding up to my old regiment to shake by the hand each comrade (who had followed me through four years of suffering, toil and privation, often worse than death,) to bid them a final, and in many cases an eternal farewell, a cadaverous, ragged, barefooted man grasped me by the hand and, choking with sobs, said: "Good-bye, General, God bless you, we will go home, make three more crops and try them again." I mention this instance simply to show the spirit, the pluck and the faith of our men in the justice of our cause, and that they surrendered more to grim famine than to the prowess of our enemies. That day and the next the terms of surrender were adjusted, the following day our paroles signed, and on Wednesday, April 12th, 1865, we stacked arms in an old field, and each man sought his home as best he might.

have a thousand times dared in search of the right. The convention was rejected and another meeting became necessary between the Generals of the opposing armies. On April 26th it was agreed that the Southern army should be permitted to disband and the soldiers go to their homes, without the loss of their transportation, a portion of their arms, private horses and other property and no promises were given as to treatment of the United States toward the vanquished.

NOTE.—To the foregoing narrative of General Grimes I have thought it proper also to add the statement of another distinguished actor in the tragic scenes attendant upon the last hours of the Army of Northern Virginia. General William R. Cox was as entirely admirable a soldier as he has been throughout his life a civilian. Brave, modest and true, he is perhaps more universally trusted and beloved than any man now in the State. His gentleness and magnanimity are supplemented by an intelligence that lifts him above the prejudices so often found marring the proportions of other wise and capable men. He was educated at Nashville, in Tennessee, and came to North Carolina before the war, having married Miss Penelope B. Battle, the third daughter of James S. Battle of Edgecombe. As Solicitor and Judge of the Metropolitan Judicial District he was a model of official excellence, and won the applause of all parties. Judge Cox writes:—

The ninth of April, 1865, dawned upon a mere remnant of the grand old Army of Northern Virginia, around which clung the proudest memories, and the fondest hopes, of the then expiring Confederacy. For six weary days and nights, with varying success, its bronzed and scarred veterans had marched and fought under difficulties and against overwhelming numbers, and now, though foot-sore and exhausted, closed their eyes to the inflexible decree that the star of hope which had so often illumined their dangerous pathway was soon to fade into an endless eclipse. Their courage remained undaunted, and their devotion to the peerless chief who had so repeatedly led them to victory was unshaken; and thus stimulated, their faith rose superior to unrelenting fate, and their resolution never faltered. Even while their vigilant and gallant foe was hemming them in on every side, the word of command braced anew their expiring energies, and their brave hearts beat quick and responsive to the prospect of the renewal of the conflict. They reflected not upon the numbers and strength of their adversary, remembering only the cause for which they had so long encountered all the vicissitudes of the camp and the perils of the battle-field.

On this eventful morning we hoped to cut through the lines of the Federal troops which had gained our front, secure supplies coming to our relief from Lynchburg, and then accomplish our retreat. The proposition, though bold

Governor Vance accompanied the army and ex-Governors Swain and Graham, with a flag of truce sought and obtained an interview with General Sherman. It was probably due to their exertions that Raleigh did not share the fate of Columbia. Surgeon-General Edward Warren also went in company with the venerable statesmen before mentioned. They were carried into the Federal lines on a train under charge of Conductor Dallas T. Ward of Franklinton. It was a trip of some peril,

and hazardous, would not have been without a prospect of success but for the delay occasioned by our cumbrous wagon train, and an interior line which was available to the Federals, and which enabled them to mass a heavy body of infantry in our front. The head of our column having on the preceding day arrived near Appomattox Court House, before sunrise we were again in motion. Longstreet's corps protected our rear, while Gordon's command led the van, with Grimes' division in its immediate front. Having passed through the village we rested on the eastern slope of the hill, and awaited the firing of a cannon, the signal for a general advance. The division rested across the road leading westwardly out of the town, and our cavalry were already skirmishing to the right and front. Soon General Gordon ordered me to throw forward the division at once (the duties of General Grimes calling him temporarily to another part of the field), which was promptly done in *echelon* by brigades at intervals of one hundred paces, in the following order: 1. Battle's Alabamians; 2. Grimes' North Carolinians (his old brigade); 3. Cox's North Carolinians; 4. Cooke's Georgians.

Sheridan's dismounted cavalry were in our front and to our right, hopeful and exultant at the prospect of an early termination of the conflict, and the substantial rewards which awaited success; each one anxious to distinguish himself in what he clearly foresaw must be the last battle in which he should be permitted to participate during the war, and impatient to pluck a fresh laurel to grace the final triumph. But they were destined to find in a few hours that the lion, though sore pressed and wounded, was a lion still.

As the division, with martial step, ascended the hill, a grand panorama was presented. The gray morning was cool and bracing, the country open and undulating. The impetuous zeal of the Confederate color-bearers could not be restrained from bearing their cross-barred battle flags too far to the front. The division had not proceeded far before Cooke's and Cox's brigades were exposed to a murderous fire from a battery of artillery in their front; but instead of halting and recoiling, they promptly charged and captured it, while the division, to preserve its alignment, united in the charge at a double-quick, and thus with a turn gradually to the left, had, by this maneuver, formed a perfect line before engaging with the small arms. The engagement now became general along our front, and our cavalry, though worn down by their

and the enemy was not slow to threaten the party with death for penetrating his lines without notice. Mr. Davis and the Cabinet lingered at Greensboro, from which place they passed further South.*

General Johnston at once recognizing the hopelessness of his condition, had sent in proposals of surrender April 14th. Four days later the two commanders met, and then framed the convention by which Johnston agreed to surrender, and Sherman to

incessant duties on the retreat, gallantly supported us on the right. The field was obstinately and hotly contested, and especially so where a few houses and fences afforded temporary shelter to the enemy; but the *elan* of our troops was irresistible; riderless horses were seen galloping across the field, and men and horses were captured and dispatched to the rear. The struggle, however, was unequal. The cavalry carbine was ineffective against our longer Enfield range and destructive "buck and ball," and but few infantry were supporting these Federal cavalry, and they retired slowly at first, but finally mounted and rapidly retired behind their infantry support in the woods, our infantry still pursuing. I now ascertained from an infantry officer, then captured and brought to me, that General Ord, with "the woods full of troops," was in the immediate front, when, taking a commanding position, we ordered a halt. The information was timely, for soon heavy columns of infantry were seen bearing down upon the flanks and in front of the division, not only demonstrating the utter impracticability of a further advance, but seriously imperilling our safety, for we had advanced so far as to be without any support save from a mere skirmish line on our left.

The firing was now resumed, when a courier from General Grimes directed me to withdraw, which I did slowly, still contesting the field. The troops, seeing the movement, hastened their advance, and moved so rapidly as to make the situation alarming, and hence it became necessary to check them by some sudden stroke. In this emergency, I directed, through an aid, the regimental commanders of Cox's brigade to meet me at its center without halting the command, which they promptly did. I then called their attention to a hill gradually rising between us and the advancing columns of the Federals to our rear, and directed that they face their regiments about and at a double-quick charge to the crest of the hill, and before the enemy should recover from their surprise, halt and open fire on them by brigade, and then with like rapid movement, face about and re-join the division in its retreat. Raising the "Rebel yell," so familiar in the Army of Northern Virginia, the brigade with precision and celerity, promptly and faultlessly executed the order, and

*Our Living and Dead.

afford gradual amnesty, integrity to the Southern State governments, and other terms equally honorable and advantageous. He had the express consent of Mr. Lincoln for so doing. But alas! that generous man in the hour of his triumph, by a mad and frantic assassin, had been stricken down, and could no longer cheer on his million of soldiers, or in the magnanimity of his nature, find in the recesses of his heart forgiveness for his enemies.

having gained the brow of the hill, the Federals naturally supposed the charge would be continued, and they began deploying as if on parade, but before the maneuver was fully executed, the command rang along the Confederate line, clear and distinct above the din of battle: "Halt! ready; aim; fire!" and as the sulphurous sheet of fire and lead swept on its deadly mission, the Federal line in our front fell to the ground, and while the encircling troops were surprised and stunned by the audacity of the charge and unusual character of the fire, the brigade safely withdrew and re-joined the division, which in the meantime, had been skirmishing heavily, as it retreated, with columns on its flanks. We now withdrew to a hill from which a battery* that had rendered us most efficient aid was still firing. Near it we met the chivalrous Gordon, who exclaimed: "Gallantly, gloriously done;" for he had witnessed the whole movement and felt proud of his men. The white flag was waving over the field, but the Thirtieth, a part of the First and a portion of the Third Regiments of Cox's brigade, which I had deployed as skirmishers, and gallantly covered the retreat, were still to the rear, and did not immediately perceive or understand the flag, and an irregular exchange of fire was for sometime maintained by them. It was now about ten o'clock. Our loss had been severe, and as there was confusion at first in regard to the flag of truce, some captures were made after its first appearance and recognition by those who understood it. I had no means of ascertaining the loss of the Federals, and it was not then a matter which became important to ascertain. Presently all firing ceased, and a most painful suspense intervened. The Army of Northern Virginia was soon to be a thing of the past.

*NOTE.—The inability to here state by whose battery Cox's brigade was supported in the last charge of the Army of Northern Virginia, and thus the last in action, is regretted by the author of this narrative. The honor has been claimed by Captain Flanner for his battery of Wilmington; while another insists that it was Braxton's of Virginia. We can only say that our attention was not called to the identity of the artillery command at the time, and are therefore incapable of expressing an intelligent opinion on the subject. We recollect distinctly its position, the efficiency with which the guns were served, and the timely aid which the battery rendered us.

God in his mercy had at last ended the great war between the States. When North Carolina acceded to the Confederate States, John Forsythe of Mobile, in an editorial of congratulation, predicted that if necessary, she would put seventy-five thousand men in the field. She had very greatly exceeded this mark. Her white population in 1860 numbered six hundred and twenty-nine thousand, nine hundred and forty-two. She sent to the field eighty-nine thousand three hundred and forty-four volunteers,

Having uniformly refrained from open speculation, and avoided all comment or conversation looking to our possible ultimate defeat, I now retired to commune with my own thoughts. Fully sympathizing with and sharing in the disappointment of my men at this crushing overthrow of their highest and most patriotic hopes which had been sustained by four years of courage that had known no failing, I entertained too much respect for their feelings to witness the emotions born of such a crisis, and too much regard for their good opinion to risk giving utterance to hasty expressions in the midst of such scenes. I was soon joined by an accomplished cavalry officer whom common misfortune had introduced, and while we were interchanging opinions regarding the situation, a private soldier from the brigade, unable longer to endure the suspense, successfully sought me out, and rushing up in deepest agony of expression, exclaimed: "General, is it true that we are to be surrendered?" I replied I feared it was so. With manly tears bathing his bronzed cheeks he cried: "How can I carry this news to my mother, for my father was slain; or to my sister, for her husband is killed!" Brave, honest soldier, no one to then witness your anguish could or would have withheld his sympathy; no one that may hear your story but will respect your misfortune and admire your constancy, for

"The bravest are the tenderest,
The loving are the daring."

Nor was this a singular instance. The South had given her pride and her manhood to the cause, and around every hearthstone relentless war had left its desolating mark.

After musing on the scene just witnessed, our conversation was renewed, and the officer referred to inquired what I intended to do. I replied: "General, you command cavalry and I infantry. I shall go on and share the fortunes of my men." Neither of us could then anticipate what would be the conditions of the surrender. Bidding me adieu, the cavalier remarked: "I was not raised a soldier," and shortly after, with his whole command, made its escape. Rejoining my command, the soldiers were found participating in all the emotions natural to that eventful occasion, but that of pleasure at the prospect before them was conspicuously absent. Some were demonstrative.

and eighteen thousand five hundred and eighty-three conscripts, making in all of the regular troops in the Confederate service one hundred and four thousand eight hundred and twenty-nine. The State had in her own service of regular troops, three thousand two hundred and three; militia on home duty, two thousand nine hundred and sixty-two; junior reserves, four thousand two hundred and seventeen; senior reserves, five thousand six hundred and eighty-one. Besides these, were troops from North

while others moved slowly and listlessly about as though some great calamity was hanging over them, but there was an individuality in the actions of all.

After a suspense which had ripened into a moral certainty, General Lee, the faultless soldier, sitting erect on his matchless gray, and without his sword, his fine eye penetrating each command, his expression thoughtfully sad, but conscious, as he must have felt, that he was enshrined in the hearts of all his soldiers, passed by. There was no demonstration on the part of the troops. While they knew he had done all that mortal power and military skill could accomplish, yet their sensations were so novel—the cypress and the olive were so closely intertwined, their recollections of the recent charge so vivid—it was hard to realize for the moment that a further struggle but involved a needless effusion of blood, and that he had “yielded to overwhelming numbers and resources,” through no distrust of their “unsurpassed courage and fortitude.” And such was the feeling of the division, the greater part of which had served together almost throughout the war. It has been stated in more than one history of the war, on the authority of what is purported to be “an eye-witness,” that, upon General Lee’s return from the conference with General Grant, as he passed, whole lines of battle broke ranks and, rushing up to him, sobbed out words of tenderness and comfort, thereby endeavoring to “lighten his burden and mitigate his pain,” while great tears rolled down his cheeks, as he dismissed them with a few appropriate words. While it will not be presumed here to absolutely contradict so touching a picture, yet it may be insisted that the scene is too warmly colored. Although the matter is not one of much importance, still as we are treating of historic events, it is worth while to keep near the confines of truth. An army is not emotional. A well disciplined army is a mere military machine. It pursues and is pursued; victor and vanquished, in rapid succession. In camp the whole discipline is mechanical; in the field a best friend falls almost unnoticed. The heroic, the unselfish, the grander emotions are cultivated, not the sad and sympathetic side of human nature, and these characteristics were naturally predominant in our army which had seen so much service. And then General Lee was outwardly formal, reserved and impassive, and repelled familiarity. Always elegantly mounted, plainly but handsomely dressed, tall, erect and weighing over two hundred, he was every inch a soldier, in looks, bearing and manner. His troops could

Carolina serving in regiments of other States, amounting to three thousand one hundred and three. So, one hundred and twenty-one thousand and thirty-eight men bore arms in this great struggle, who belonged to North Carolina. They were divided into sixty-two regiments of infantry, six of cavalry, three of artillery, four battalions of artillery, four of cavalry, seven of infantry, besides thirteen unattached companies.*

North Carolina's losses in battle were frightful, but no official

not cheer him. I have seen it attempted on several occasions, but it was so much like a breach of propriety that it was always abandoned. Jackson was the opposite. He liked cheering, and all the officers in the army received not so much as he did; and those that cheered would follow him, and he knew it. While a good organizer, the troops in his presence felt no reserve. Tall, angular, an indifferent rider, taciturn and poorly dressed, there were occasions when he appeared transformed and looked even grand—the impersonation of a great soldier.

Soon after the surrender I called at General Lee's quarters and found him alone in his tent. Of course we spoke of the situation. The terms he considered liberal. He was perfectly calm, self-poised and commanding. One would not have discovered that anything unusual had occurred with him until I inquired where he proposed to go, when, with a manner *most solemn and impressive*, he replied: "I don't know, General, I have no home." But the same soldierly spirit that respected our feelings, accorded and secured us honorable terms at this period, had protected his family and home in Richmond, and he soon found there was a home for him wherever, among his race, magnanimity and appreciation of his great qualities found an abiding place. The same evening the officers of the command, taking with them their field band, repaired to his quarters and after playing several appropriate airs, he came out of his tent and thanked them, when each advanced, shook him cordially by the hand and bade him farewell, feeling as they left, that with such a leader no cause could ever be dishonored. For taking all things into consideration, it must, by the impartial everywhere, be conceded that the war produced not his equal in all the elements of greatness. In adversity as in triumph he stood *facile princeps*. Ambitious only to do good, he declined proffers of assistance and place, and while the world was resounding with his fame, he dedicated his energies and great talents to the education of the youth of the land; and died regretted by all, friend and late foe alike.

And now while adverting to the incidents of the day, it may not be inappropriate to refer to the magnanimity of the victors, as then displayed, and it

*Governor Vance's White Sulphur Springs Address.

statement has been made. Fully fifty thousand men were killed and wounded, and the following list of generals and field officers is an eloquent tribute to the good faith and bravery of the State. There were killed in battle: Major-Generals William D. Pender and Steven D. Ramseur; of Brigadier-Generals, there fell L. O'B. Branch, George B. Anderson, Junius Daniel, J. J. Pettigrew, James B. Gordon and Archibald D. Godwin; the Colonels slain in battle and those who died of their wounds were: Mont-

affords me pleasure to bear witness that no Falstaff came from among them to hack an unfortunate and fallen adversary. For the four years during which these great armies had confronted each other, and fought some of the most memorable battles in the annals of history, many soldiers on either side had been wounded, taken prisoners, and exchanged, and were now on duty. Being of a common country, speaking the same language and reared up under the same institutions, the mere political question at issue did not estrange them.

Across the picket line, a friendly word and pregnant jest would sometimes pass, and a stolen exchange of a ration of tobacco for coffee occasionally occur; deeds of kindness, never to be effaced; acts of humanity to the unfortunate, still remembered, a drop of water to the parched lips of a wounded adversary, a brush so arranged upon the ensanguined field as to shade a wounded antagonist from the scorching rays of the sun, left their indelible impressions, and the contestants of both sides had learned to appreciate and respect each other. No sooner therefore had the surrender become known, than officers and men gained admission into our camp. Confederate and Federal officers who had been educated at West Point and served together in the old army, met together, no longer as foes, but to sample the quality of those "commissaries" often carried in the canteens, and which on our side had of late retreated to the medical department. The privates equally generous, proposed to share their "hard-tack," and in some instances exchanged greenbacks for Confederate notes "payable two years after the ratification of a treaty of peace" between the two governments. General Grant had accorded generous conditions, and with an unexpected refinement of feeling absented himself from our formal surrender. There was no undue circumstance; no merely formal conditions exacted, and as if his spirit had infused itself among his men, in our presence, they indulged in no exultations, and gave utterance to no expressions calculated to wound our quickened sensibilities. On the contrary they endeavored to conciliate us, and to ameliorate the bitterness of what their own hearts taught them was a severe ordeal, thus manifesting that they were worthy of the cause which they had successfully maintained.

The spirit manifested by the Federal soldiers was not even then participated in by their "invisible and invincible" politicians, as the following circumstance will manifest:

ford S. Stokes of the First Regiment; C. C. Tew, Second; Gaston Meares, Third; James H. Wood, Fourth; Thomas M. Garrett, Fifth; Charles Fisher and Isaac E. Avery, Sixth; Reuben P. Campbell, Seventh; H. M. Shaw, Eighth; P. W. Roberts, Fourteenth; R. M. McKinney, Fifteenth; Solomon Williams and C. L. Andrews, Nineteenth; (Second Cavalry) C. C. Blacknall and C. C. Cole, Twenty-second; D. H. Christie, Twenty-third; H. K. Burgwynn, Twenty-sixth; W. H. A. Spear, Twenty-eighth; W.

After the surrender a gallant Confederate, appreciating that with him Othello's occupation was gone, concluded to deliver a farewell address to his troops. The *role* was a most difficult one. Should he concede too much, it might be ascribed to subserviency. Should he be too valiant he might subject himself to ridicule. Nothing daunted, however, this son of Themis called out his troops; they were formed in a hollow square, and from their centre he made his address. Returning to his quarters, instead of receiving congratulations, he was told that he had granted too much; therefore next day the men were again called out, formed and addressed, and now he was told he was "valiant overmuch;" and had he been compelled to continue until all were satisfied it is questionable when he would have been relieved.

On this second day a peculiar looking individual was seen prying through the Confederate encampment; it was evident he yet had his misgivings. He was dressed in a slick suit of black, wore a bell crowned beaver, and sat uneasily on his horse. In their gayer moods the soldiers would have invited him to "come out of that hat," but now they suffered him to pass unmolested. As our friend was "unraveling" his speech of the preceding day, the civilian drew near, for being a member of the Federal Congress, he felt at home where words and not bullets were the weapons employed. He inquired the name of the speaker and remarked he was "a rash young man," which eliciting no reply, he moved off to a ragged Confederate and tauntingly inquired, "How do you surrender your arms?" The ire of the veteran was kindled in a moment and he quickly and passionately replied: "We march out, stack arms, give them up and turn round, whip you like h—, and take them back!" for many of our arms had been captured on the battle-field.

A knowledge of the prominence in our national councils of the actors in the above scene, would heighten the interest in the incident.

The reply of the soldier shows what was felt by many, that though overwhelmed by numbers they were neither demoralized nor contented, and had the terms been more exacting, but little persuasion would have induced them to venture an escape and inaugurate a disastrous and desolating partisan war. Some had already destroyed their arms rather than surrender them, which will in a measure account for the disproportion between the number of arms delivered up, and the men who were surrendered.

T. Williams and Edmund Brabble, Thirty-second; C. M. Avery, Thirty-third; R. H. Riddick, Thirty-fourth; John G. Jones, Thirty-fifth; C. C. Lee and W. M. Barbour, Thirty-seventh; G. B. Singletary, Forty-fourth; S. H. Boyd, Forty-fifth; R. C. Hill, Forty-eighth; J. K. Marshall, Fifty-second; W. O. Owens, Fifty-third; K. R. Murchison, Fifty-fourth; P. G. Evans and James McNeill, Sixty-third; (Fifth Cavalry) A. D. Moore, Sixty-sixth. Lieutenant-Colonels killed were: W. S. Stallings, Second; W. L. Parsley, Third; J. L. Hill, Seventh; J. R. Murchison, Ninth; (First Cavalry) F. W. Bird, Eleventh; J. C. Lamb, Seventeenth; George P. Bryan, Nineteenth; (Second Cavalry) J. T. Jones, Twenty-sixth; F. L. Love, Twenty-eighth; O. H. Petway, Thirty-fifth; J. A. Graves, Forty-seventh; J. A. Fleming and J. T. Davis, Forty-ninth; C. B. Hobson, Fifty-first; — Shaw, Thirty-third; (Second Cavalry) G. L. Wright, Sixty-sixth; of Majors there had fallen: T. L. Skinner, First; A. K. Simon-ton, Fourth; J. C. Badham, Fifth; Henry McKea, Eighth; E. A. Ross, Eleventh; J. C. Brooks, Twentieth; W. S. Grady, Twenty-fifth; A. B. Carmichael, Twenth-sixth; Thomas Mayhew, Thirty-third; T. M. Smith, Forty-fifth; Ben. R. Huske, Forty-eighth; J. O. Richardson, Fifty-second; J. J. Iredell, Fifty-third; J. A. Rogers, Fifty-fourth; A. T. Stewart, Fifty-eighth; and Edward Mallet, Sixty-first.*

The condition of the State was simply horrible. Sherman, Stoneman, Schofield and Terry had all marched hundreds of

Thus closed the eventful day at Appomattox; and on the next, preparations for departure commenced early, and as the different commands, the day after, took up their line of march, and the roll of the distant drum reverberated through the surrounding hills, no longer inspiring a hostile foe, rising above my still rebellious disappointment, I could but recall the blessings of peace and reflect upon the greatness of a government which, resting not upon the terror of standing armies, could subdue the passions engendered by a protracted and disastrous civil war and bring back a whole people to the resumption of the duties of citizens, with all the avenues to preferment and promotion so soon again to open alike to those who wore the Blue and the Gray.

*Roll of Honor.

miles over our territory and between their depredations and the exactions of our own troops, famine was upon the people. The Freedman's Bureau, through its agents, was feeding swarms of negroes too lazy to work. When starving widows of the Confederate soldiers applied for food they were turned away empty, unless they would take the oath of allegiance to the United States. This was well enough in the case of able-bodied men, but was harsh treatment to the poor women.

Andrew Johnson, like all recreants, was in a false position. He had betrayed Tennessee in the Senate, and was on a bed of thorns lest his fealty to the Republican party should be suspected. Thaddeus Stevens was apparently no more malignant to the leaders of the fallen Confederacy than the Andrew Johnson of 1865. Among his earliest official acts was to annul the convention between Generals Sherman and Johnston. President Davis and Governor Vance were captured, and the late head of the Confederacy was immured in a casemate of Fort Monroe, where all his faults were forgotten, and he became dear to the hearts of the whole South, in the fact of his vicarious passion in their behalf. Governor Vance was conveyed to Washington City, and there held as prisoner in the Old Capitol. General Schofield was made Military Governor of the State immediately after the surrender of the army, and he at once issued a proclamation declaring the slaves of the State to be free. Strong garrisons were posted within supporting distance of each other as a safe-guard against men whose only thought was to avert starvation.

Perhaps in the history of the world no people were ever so frenzied as were those of the North at the murder of Mr. Lincoln. They had not half the interest in his life, as did the Southern men in arms against him. Many words and acts had shown his benevolence in the progress of the war. He alone could control the malignity of a Butler in the field, and of a Thaddeus Stevens in Congress. The South had every reason to prefer him to the renegade Johnson, and yet the people who were typified in Robert E. Lee and Stonewall Jackson were held responsible for the act of a madman. The names of leading Southern men

were most foully and falsely associated with cut-throats and a great nation became a pandemonium of suspicion and outrage. The articles of war provide for the punishment of those connected with the army by means of courts-martial. The citizens of the country not connected therewith, are in no way amenable to its jurisdiction. Yet such was the delirium of the North that Mrs. Surratt, a widow, who kept a boarding house, and knew nothing of the conspiracy, beyond the fact that some of the conspirators boarded at her house, was dragged before the military commission, found guilty as an accomplice and hanged for a crime of which she was as innocent as Andrew Johnson, Joseph Holt or John A. Bingham, the unworthy authors of his misfortunes.

The next victim doomed to slaughter was Henry Wirz, late commander of the Confederate prison at Andersonville, in Georgia. He had never been connected with the United States army in any way, but in defiance of both martial and civil law, was also made amenable to the bloody tribunal at Washington. The charge against him was murder, "in that with others he conspired against the health of the Union prisoners in his charge, by withholding proper food." Secretary Edwin M. Stanton and General Grant were the real culprits. They had inaugurated and carried out a policy of devastation, which had so wasted the South, that not only the prisoners, but the armies were necessarily badly subsisted. They refused to exchange the Andersonville prisoners, in order that they might sooner starve out the South. The men who had murdered Mrs. Surratt found that the Northern mind was becoming disgusted with their judicial mockeries, and concluded to acquit Captain Stirling Gee of the Salisbury prison, whose case was in every respect exactly that of Henry Wirz.*

Andrew Johnson, as President of the United States, was still, in the early days of June, in a frame of mind highly inimical to the men lately in arms against the Federal government. He

*Benjamin Hill's Speech.

was repeating constantly that "treason must be made odious." In North Carolina, under his appointment, William W. Holden became Provisional Governor of the territory lately the State of North Carolina. Perhaps no man in the limits of the Commonwealth was more distasteful to all shades of politicians than to be found in the South. The "Old Line Whigs" had fought him too long as a "Calhoun Secessionist" to forget his editorials and speeches urging the people to distrust their fealty to the South, and the "States Rights Democrats" were outraged alike by his desertion of them in the emergency of 1861, his peace movements during the war and the alacrity with which he took office under a power they still regarded as only the conquerors of their once happy country. Governor Holden may have yet felt some resentment towards certain men who had opposed him in the past, but a calm and careful inspection of his record will convince a dispassionate mind that he meant well towards the great body of his lieges. They were, indeed, objects to excite the pity of even their worst enemies. Their late chief, the deposed Governor Vance, was a prisoner in Washington, and his wife was at death's door from illness and anxiety, in her western home. The colored troops in some of the garrisons were insolent and overbearing beyond expression.*

The State was utterly prostrate in all financial aspects. After the troops had all been surrendered it was discovered by the Federal officers that certain localities yet contained cotton belonging to North Carolina. David Heaton, late a Colonel in the United States volunteers, seized this, and Governor Holden in vain besought President Johnson to allow him this single resource of the exhausted community. Hugh McCulloch, Secretary of the Treasury, from Washington, telegraphed to Heaton to send on "the so-called State cotton" to New York. Major-General Thomas H. Ruger succeeded General Schofield in command of

*Governor Holden to General Cox, June 22, 1865; Colonel A. M. Waddell to Governor Holden, June 18, 1865; John Pool to Governor Holden, June 16, 1865.

the Department of North Carolina. His bearing was that of a gentleman, in that difficult period of mixed civil and military jurisdiction. Gentleness and courtesy were continually seen in his treatment of the phantom of authority recently erected by President Johnson and called the "Provisional Government of North Carolina." There were many negroes who were insolent and anxious for trouble with the returned Confederates. They understood from the agents of the Freedman's Bureau that they were not slow to encourage trouble between the unfortunate masters and their late slaves. Men, who had ruled the blacks, were often prone to forget the altered circumstances of the country and were not as patient as they should have been in the small and great annoyances surrounding them. Thus it was that Marcom of Chatham, slew the negro whom he found in the unlawful possession of the former's mule. A great disgust with life and the world generally, settled into the souls of some men who had fought and prayed for the preservation of civil liberty. They grew listless and indifferent to the future, and were utterly careless as to what might become of public institutions. It seemed to them in the general wreck that liberty had so utterly perished that there was no hope of a better day. They would neither participate in the elections nor take the oaths of allegiance to the United States, and not a few shook the dust from their feet and went to foreign lands.

Andrew Johnson had professed to be a States Rights Democrat previous to the war, but in total disregard of this, he made haste to appoint men to the control of the seceding States who displaced the lawful Governors and were generally distasteful to the people. He determined to uproot every part of the governments, and the Southern people were told to call conventions that slavery might be abolished by forms of law, the debts contracted in furtherance of the war repudiated and that the States so doing should then be restored to the Union. No one was allowed to vote until the oath of allegiance to the United States was taken, and the Freedman's Bureau filled the land with its agents. They were to watch the whites and mislead the blacks. Courts-mar-

tial executed their wishes upon the guilty and innocent, and whole communities were at the mercy of Federal lieutenants. Many of these were forbearing in their conduct and were not swift to become the instruments of vengeance on the part of the negroes against their late masters, but in too many cases they were nuisances and were only restrained by a prudent fear of going too far for personal safety. Such is too often the case with men "dressed up in a little brief authority."

When the month of November, 1865, had come, the condition of the South was still one of indescribable misery. Six months had elapsed since the war had ended, but still ten States were in humiliating bondage. They were held under close military surveillance. Armed bands of the conquering armies patrolled their limits, while the Northern press still teemed with the fiercest denunciations of the "Unrepentant Rebels." In addition to the intolerable vexations of the Freedman's Bureau were superadded the complex machinery and onerous exactions of the United States Internal Revenue. Immense sums by this latter agency were forced from a people already financially prostrate and undone. Imposts for the years of the past war were rigidly enforced against real estate, while cotton, tobacco and spirituous liquors of all kinds were so burdened that the great Southern staple had to be soon released and the orchards ceased to be profitable.

Edwin G. Reade of Person presided in the Convention, which Andrew Johnson compelled North Carolina to call as a condition precedent to recognizing her as a State. This body was the supreme humiliation of our entire history. It was the unwilling penance of a broken and ruined people. It met to do the bidding of haughty and merciless foemen. It but registered the President's decrees. The ordinance of May 20th, 1861, was repealed, the war debt was repudiated and slavery declared abolished. But the desolated people were still mindful of that great record they had made in the past and at the ballot box refused to be humiliated by approving these changes, and they were defeated.

North Carolina had been in a state as of primeval chaos. In 1860 her bonds had been at the head of the market, not only in

the New York exchanges, but with foreign capitalists. With the surrender came insolvency upon every bank in the State. The School Fund shared the fate of our fiscal institutions, and the noble endowment of the State University had also disappeared in the general wreck. Similar misfortune attended the male and female denominational colleges. President Johnson had not consulted the pleasure of North Carolina in the appointment of Governor Holden to the Provisional Chief-Magistracy of the State. That functionary, in his public acts, manifested a great fondness for men who had belonged to the Whig party. Men of that ilk were selected as his subordinates in the State government, and it seemed as if the Democrats of North Carolina were forever undone. The late secessionists were a "sect everywhere spoken against," and if subsequent events had been different, they would have doubtless remained in popular odium. Some of the Southern people at that time, were disposed to hold them responsible for all their disasters, and if the Republican North had been wise and generous this feeling would have deepened into a permanent conviction. Every officer of the State had been declared stript of his powers by the general government. Executive, Legislative and Judicial appointments were necessary in all instances, from the highest to the lowest grades of public functionaries. Richmond M. Pearson, William H. Battle and Edwin G. Reade were elected to the Supreme Court.* They also elected upon the Superior Court Bench, David A. Barnes of Northamp-

*NOTE.—Judge Edwin Godwin Reade is the second of three sons, born in Person county, to R. G. Reade and his wife Judith A. The date of his birth was November 13th, 1812. He was educated by Rev. Dr. Alexander Wilson, and came to the bar in 1835. He married Miss Emily Moore in 1836 and Mrs. Mary E. Parmelee in 1871. He soon won prominence at the bar, where he was alike distinguished for eloquence and learning. His first political service was in 1855, when he defeated John Kerr for Congress. He has never shown anxiety for political preferment and declined further service at Washington after serving one term. His course on the bench was such as gave him applause and led to a State reputation. Judge Reade makes noble use of his ample means and which, though blessed with no children of his own, is the benefactor of his family and friends. His quiet, benignant life has been singularly exempt from the usual necessities of ambition.

ton, R. P. Buxton, Daniel G. Fowle of Wake, Anderson Mitchell of Wilkes, A. S. Merrimon of Buncombe and E. J. Warren of Beaufort. Judge Fowle was late Lieutenant-Colonel of Thirty-first Regiment and Adjutant-General of the State, and was a brilliant young lawyer of the Raleigh Bar. He had married the daughter of Judge Pearson, but having lost her, had recently wedded Mary, daughter of Dr. Fabius J. Haywood of Raleigh. Judge Fowle is the son of a prominent merchant in the town of Washington, where he was reared. He soon made great attainments in his profession, and is now unsurpassed as a jurist and advocate. Judge Buxton is from Cumberland, and, while not possessed of shining abilities is yet without reproach in his office. The other new Judges have all been mentioned in this narrative.

The United States government having been satisfied with the alterations of the State Constitution, authorized Governor Holden to hold an election November 7th. It was intended, in the first place, to submit to popular vote the recent organic changes, and further, for the choice of a Governor, Congressmen, members of the Legislature and county officers. Jonathan Worth and Governor Holden were candidates for the chief executive office. Worth was elected by a considerable majority.

NOTE.—Messrs. Jesse R. Stubbs, Dr. R. K. Speed and William E. Bond were the candidates for Congress, in the First District. General Stubbs, whose title originated in his command of the militia, was a citizen of Martin, and was much respected as a lawyer in the courts. He was an amiable and honorable man, and, like Dr. Speed, had been warm in his advocacy of the Southern cause. Mr. Bond of Chowan, is also a lawyer and a man of blameless social life, and had been a Democrat, while his competitors were both Whigs. He was a Union man during the progress of the war and a neutral in the conflict which had shed the blood of nearly one-half of his friends and associates. Mr. Bond made a merit of this fact in his appeals to the people, but did so with small effect. It is needless to add that Mr. Speaker Colfax and his friends laughed at General Stubbs' certificate of election, and that he never acquired either the seat or emoluments of a member of the United States Congress. There were elected in North Carolina on the same occasion, as members of Congress, Charles C. Clark, Thomas C. Fuller, Josiah Turner, Bedford Brown, S. H. Walkup and A. H. Jones. Like General Stubbs, they had won a barren honor in the canvass.

The people regarded the submission of the ordinances touching secession and emancipation as the addition of a cruel insult to their enormous injuries. Had not the Union armies in oceans of blood washed out all trace of our high resolve of May 1861? Could any action of North Carolina reverse the act of Congress passed January 31st of that year and incorporated into the Constitution as "Thirteenth Amendment," December 25th? They were regarded as mockeries, and for the repeal of the Secession Ordinance there were in Hertford county but eighty-three votes, while twenty-one voted against it. For emancipation there were thirty-seven, and twenty-nine against it, and thus were divided the few men of Hertford who cared to vote at all on these two topics, which had filled the whole world with an uproar.

The Legislature met soon after the election, and was of more importance than any of its predecessors for eighty-nine years. Judge M. E. Manly was called to preside in the Senate.* Samuel Fields Phillips of Orange was made Speaker of the House of Commons and presided with the dignity and ability characterizing his life. Messrs. Smith and Cowper, the members for Hertford, met many distinguished men in this able body. The venerable and astute Atlas J. Dargan still represented Anson. His brother had years before left the State and had won great reputation as a Judge in Alabama. R. S. Donnell of Beaufort, had for a colleague Colonel David M. Carter, late a Judge in the Court-martial of Longstreet's corps. He had narrowly escaped death after being badly wounded on the field at Seven Pines. Colonel Carter had won reputation while a student at Chapel Hill, where he graduated in 1851. Few men have been reared in North Carolina with larger mental endowments than belong to him. He married Mrs. Harriet Benbury, widow of Captain John A. Benbury, who fell at Ellison's Mills, and the stepdaughter of Colonel David Outlaw of Bertie. The latter gentleman, though weighed down

*North Carolina Manual, page 105.

by physical decrepitude, was still a leading mind in the State, but, like his colleague, Lewis Thompson, was soon to be released from bodily ailments and the miseries of the downtrodden land. Colonel J. M. Leach was also a notable man in this body. He represented Davidson and had been a member of Congress. He is genial, ready and gifted, and is still prominent in the West. Governor H. T. Clark of Edgecombe, and R. Y. McAden of Alamance, were also members of this body. Captain Mills L. Eure, late of the Second North Carolina Cavalry, was fresh from Johnson's Island, where he had been a captive for more than a year. Judge Eure was brave and faithful as a soldier, and as much above reproach as he has always been in civil life. L. M. McCorkle of Lincoln, like J. Edwin Moore of Martin and Captain R. B. Peebles of Northampton, was a young lawyer of promise in the then unreconstructed courts. Francis E. Shober of Rowan, a class-mate of Colonel Carter at the University, was also a man of note in his community, and was rich in natural gifts as well as acquired graces. Mr. Shober married Josephine May Wheat, second daughter of Rev. Dr. J. T. Wheat, at one time a Professor at Chapel Hill.

This body was to re-model our statutes and fit them to the altered constitution of Southern society. Mr. Smith was the leader in this work. His first proposition which became the law, was to enable persons of color to testify in the courts and other legal proceedings generally. They had previously only been allowed to become witnesses for or against persons of their own color. This rule had been frequently one of great hardship and injustice. It should never have disgraced our statutes. The best testimony touching any fact should always be had in the courts, and to say that whole classes of men are unworthy of belief because of the color of their skins, is as irrational as it was unmanly and oppressive. The other legal change was the adoption by North Carolina of Lord Chief-Justice Denman's act, by which parties to civil suits could be heard as witnesses at the trial. The slightest accrued interest in a possible verdict had been for centuries an utter disqualification for testimony in all com-

mon law courts of England and America. It is not the rule now, and to Chief-Justice Smith are we indebted for the improvement.

This Legislature elected John Pool, then of Bertie, and William A. Graham of Orange, to the United States Senate, but they were refused admission to that body. This, and other acts of harshness, were fast creating that unity of sentiment which was to eventuate, after years of oppression, in what is now known as the "Solid South." Our people at that day, had no dream of further forcible resistance to the general government. They had no love for it, and they had been monsters if such had been the case. Good Southern society had no craving for the companionship of men whose hands were yet red with the blood of their slaughtered kinsmen. Northern men in our midst were either here to enforce obedience by their bayonets, or they were like the ancient publicans amid the Jews, collectors of internal revenue, or they were Freedman's Bureau men, or perhaps members of General Sherman's numerous bequests, in the shape of some "Bummer" with carpet-bag in hand, who had come to seek his fortunes by arraying the negroes against the interests and wishes of their late owners. Neither of these classes were calculated to become Absaloms, and run away with the affections of men who yet loved the South.

CHAPTER IX.

A. D. 1866 TO 1868.

Jonathan Worth, Governor—George W. Brooks, United States District Judge—Judge Shipp—Bar of the Albemarle country—Judge Howard's Stay-Law—The policy of Congress—Thaddeus Stevens—Deaths of Judge Badger, Rev. Dr. Hawks and Governor Morehead—General mortality among old men—The apathy and gloom of the South—Negro minors and the Union League—President Johnson and the Republicans disagree—The Philadelphia Convention—North Carolina fails to ratify emancipation—The Howard Amendment—Dower rights of women—Condition of the Southern States—Republican party and its pledges—Reconstruction Acts—Judges Fowle and Merrimon resign—Deaths of Dr. Phillips and Judge Saunders—Johnson goes on a tour and widens the breach—Propositions of his impeachment—The Constitutional Convention of 1868—Its members and changes—The Ku-Klux and Loyal League—Assembly of 1868—Lieutenant-Governor Caldwell—Judges Dick, Settle and Rodman—Josiah Turner and others—J. W. Holden, Speaker of the House—Durham, Jarvis and Gatling—Loftin, Littlefield and others—North Carolina indebtedness at the time—Constitutional prohibitions on further increase of debt—The carnival of corruption—Judges Gilliam and Pool—The lawyers and the legal changes.

With the advent of 1866, North Carolina seemed to have recovered her lost autonomy. W. W. Holden was replaced by Jonathan Worth as Governor of the State. The Legislature endorsed Holden's appointments of State Judges, and President Johnson atoned for many faults, in the wisdom and propriety of his selection of George W. Brooks of Pasquotank, as Judge of the United States District Court. He had succeeded Judge Asa Biggs, and was to rival that wise and excellent man, in the confidence and veneration of the people. Governor Holden had made him Judge of the First Judicial District, and from that place he had recently retired to assume the Federal ermine. Jonathan Worth of Randolph, was one of the best men of his time. Plain, direct and scrupulously conscientious in all his words and actions, he won and deserved, the trust of all who knew him. His legal training had given him ample conception as to

his duties as a citizen and ruler, and to them he was ever bravely and unswervingly devoted. His life had been illustrated by a conspicuous devotion to the union of the States and his voice alone was lifted against the calling of the Convention of 1861. He had always fought the doctrine of secession, but now when summoned to assume the control of the State, he was to be as fearless in support of the reserved rights of the Commonwealth.

George Howard of Edgecombe, then late a Judge of the Superior Court, introduced a bill in the Legislature which became what was known as the "Stay-Law." It was supposed that a speedy collection of the debts due in the State would result in the complete undoing of a vast majority of the people. The public demanded some legal protection against an early issue of executions upon the property of debtors. The Constitution of the United States provides that no State shall have power to pass laws impairing the obligation of contracts, but as North Carolina had all along exercised the right of delaying execution by means of dilatory pleas, it was assumed that this function could be extended. Therefore it was enacted that all suits for sums exceeding

NOTE.—William M. Shipp of Lincoln presided in the courts of the Edenton Judicial District at the Spring Term, and a melancholy interest attended survivors of the Bar.* The lawyers, almost without exception, had been in the military employment of the country. The present Chief-Justice Smith had been in the Confederate Congress, and others in the Legislature. Judge Heath had removed from the State. Judge Barnes was still upon the Bench. Colonels S. B. Spruill, Second Cavalry; W. F. Martin, Seventeenth North Carolina State Troops, and D. D. Ferebee, Fourth Cavalry, with Majors H. A. Gilliam, Seventeenth Regiment; J. J. Yeates, Thirty-first; L. C. Latham, First North Carolina State Troops, and J. W. Moore, Third Battalion, and Captain Mills L. Eure, Second Cavalry, were the members of the profession left of those who had attended the courts before the war and had survived its perils in the field. Colonels T. M. Garrett, F. W. Bird and Solomon White, all of Bertie, had fallen in battle. So had Lieutenant-Colonel John C. Badham and Captain John A. Benbury of Chowan. Major Lucius J. Johnson of Pasquotank, Elias C. Hines of Chowan and Charles E. Lowther of Gates, were likewise soldiers, and had died in the progress of the war.

*Dr. Wheeler's Diary.

fifty dollars should be brought in the Superior Court; and upon the return of process, at the first term, the defendant, upon the payment of one-sixth of the amount due, was allowed six months further to plead. At the next court the payment of one-fourth renewed the privilege of not pleading, and so on until the debt was settled.

Cotton had been worth a half dollar a pound at the conclusion of hostilities, and farmers for a year afterwards realized remunerative prices for that great staple. Governor Vance had been liberated from prison, and it seemed that from the friendly avowals of President Johnson, that peace and prosperity were soon to return to the South. The United States Congress, December 13th, 1865, effectually dissipated all hope of speedy adjustment. It not only refused admission to the newly elected Southern Senators and Representatives, but avowed their disapprobation of, and opposition to, Mr. Johnson's whole policy. This was the beginning of many woes. The Civil Rights Bill was passed March 13th, 1866, and received the speedy veto of the President. This measure was intended to force social equality between white people and negroes, and was the most malignant of all Northern efforts in the long struggle for Southern humiliation. Hotels, churches, public conveyances, places of amusement and all public schools were enjoined, under heavy penalties, to admit on the same terms all people without distinction of race. The Howard Bill, afterwards known as the "Fourteenth Amendment," was proposed June 13th, 1866. It provided for equality among the citizens of all the States, and forbade any State to abridge the rights and privileges thus guaranteed. It further provided that no person who had been in the legislative, executive or judicial service of the State or Nation, or in the military service of the latter, and had been engaged in the Confederate cause, should be capable of holding any office in the United States government until pardoned by a vote of two-thirds of both Houses of Congress.

These measures had to be subscribed to and ratified by three-fourths of the Legislatures of the several States before becoming

amendments to the United States Constitution. It was early intimated that the Southern General Assemblies would be wise in according obedience to the ruthless majority headed in Washington City by Thaddeus Stevens of Pennsylvania. This man had been raised a Quaker, but had forgotten every tenet of that meek and harmless sect. His public life was one long episode of fiendish and unrelieved hatred. His intolerance and malice to the Southern people absorbed his soul, and made him a monster, in the depth of whose cruelty even General Butler grew appalled. Like some savage gorilla in the midst of the African jungle, he lived and moved and had his being, unvisited by the smallest gleam of charity toward men whose virtues to his own were as the noonday sun to the blackness of Stygian darkness. A thousand Christian hearts were staggered at the spectacle of such a man sitting in judgment upon the noble and spotless Robert E. Lee! God's providences are beyond our ken, and we can but bow our heads in grief when valor and knightly devotion are rewarded by defeat, outrage and the oppression of unworthy dastards.

Judge George E. Badger died in Raleigh, May 11th, and with him perished the largest legal capacity ever seen in North Carolina. As a Senator for the United States, he had won the profoundest respect of the greatest men in the nation, but his strength lay in a different direction. He was unparalleled as a jurist and advocate. He did not even relish judicial station, and upon his elevation to the Circuit Bench in 1820, had resigned five years later, and resumed his position as leader of the North Carolina Bar. In the years just preceding the war, he was conspicuous before the Supreme Court in Washington, and became unquestionably the greatest lawyer our State has produced. He was eloquent as Davie, as learned as Ruffin and as assiduous as Bragg. Like Chief-Justice Smith, he graduated at Yale, and was the grandson of Richard Cogdell, a Revolutionary worthy of New-Bern, where Judge Badger was born and reared. He was followed October 27th, by his ancient friend and compeer, Rev. Dr. Francis L. Hawks, who died in New York, but who was reared

in that same city on the Neuse. He had graduated at Chapel Hill in 1815, along with John H. Bryan, Judge Mangum, Governor Spaight and others. His early manhood was absorbed in legal pursuits, and he represented his native city in the Legislature of 1821. Having assumed Holy Orders, he became national in his reputation as a pulpit orator. For years before his death he was rector of an Episcopal church in New York and a leader among the literary men of that great city. He cherished a romantic fondness for the State of his birth, and devoted years of toil to her vindication.*

May 27th, of the same year, ex-Governor John Motley Morehead departed this life at his place in Greensboro. He had graduated at Chapel Hill in 1817, and practiced law with great success until his election as Governor of the State over Judge R. M. Saunders, in 1840. Two years later he had defeated Louis D. Henry. He became President of the North Carolina Central Railroad, but was no more in public life. He was a man of large mental endowment and no less successful in finance than politics. A cool and deliberate judgment conjoined with oratorical gifts, made him a leading man in his day and enabled him to amass riches. Another family of the same name had been prominent in Bladen county during the troublous occupation of Wilmington by the troops under Major Craig, in the years 1781-'82, but these Moreheads were in no wise connected with those of Guilford.*

The loss of their slaves and the horrors of the great conflict so recently passed, broke the spirits of many a man like these three distinguished North Carolinians. Fresh disasters and added ignominy they clearly foresaw in the swift coming days of reconstruction. They had loved the State and the South, and in old age had lost their buoyancy of spirit, and like a host of others, made their exits from a scene where blood had ceased to flow, but was still like some troubled sea whose waves continued to roll when the storm had all passed by.

*Dr. Wheeler's Diary.

In patient subjection to the conquering legions by whom their blood had been shed and their homes wasted, the Southern people, at the end of 1866, were still in suspense as to what the issue would be in the growing difficulty between the President and Congress of the United States. Fierce denunciations on the floors of the National Legislature and in the Northern press, still showed that bitter resentment was felt toward the men lately in arms against them. But the masses of our people in dumb apathy tilled their fields and strewed flowers upon the graves of their dead soldiers and left to God the slow work of their vindication and return to the condition of freemen.

There was much trouble as to the disposition of the minor children of color. Some of the Freedman's Bureau agents were anxious that their old masters should have them indentured and rear them upon the plantations of their birth. This was generally resisted on the part of the black people. They held that remote consanguinity should be a sufficient cause for their assuming charge of those who had been thus abandoned by their natural protectors. The Union League was largely instrumental in this and a thousand other matters in fermenting disturbance between the white and black people. This organization renewed all the dangers and evils of the defunct Know Nothings. It was a secret, oath-bound brotherhood, by which the adventurers known as "Carpet-Baggers," organized and controlled the ignorant and misguided masses so lately emerged from bondage. By persistent misrepresentation the negroes were led to believe that the Southern white people were only waiting an opportunity for their complete re-enslavement. This unlucky and dangerous impression was deepened by constant iteration, and is even yet used by men in their efforts to abuse the confidence of a race naturally disposed to affection and trust.

The differences between President Johnson and the party which had elected him, became daily more marked and significant. The Republicans manifested so much disregard as to the provisions of the Constitution that alarm and resistance were aroused throughout the North. Conservative men of that section called upon

the people of the South to meet them in convention at Philadelphia to concert measures in opposition to violent and radical changes proposed as to Southern reconstruction.* At the August election the Constitution of North Carolina as recently amended was submitted to popular consideration. The State rejected the amendments by nineteen hundred and eighty-two majority; and thus, after all the bloodshed she had known, North Carolina refused to be a party to her own shame, and left to others the effecting of changes she had so bravely and unavailingly opposed.†

The Legislature was busied with further enactments necessary in the altered condition of Southern society.‡ The Howard amendment, proposed by Congress on the 13th of the preceding June, was submitted for North Carolina's ratification. The first and second sections of that famous alteration of the Federal

†NOTE.—On November 27th, 1865, President Johnson wrote to Governor Holden, thanking him for his services in securing the co-operation of the convention in Mr. Johnson's peculiar policy of reconstruction, but he added: "The results of the recent elections in North Carolina have greatly damaged the prospects of the State in the restoration of its government relations. Should the action and spirit of the Legislature be in the same direction, it will greatly increase the mischief already done, and might be fatal." The President was madly intent upon what he thought would lift him above the control of Northern Republican associates. "My policy," as he called it, was the source of unnumbered woes to the South, and led Thaddeus Stevens to harden his heart into fresh conceptions of evil against the people he hated. He enjoyed the humiliation of Andrew Johnson almost as much as he did the injury of the Southern people.

‡NOTE.—Under an ordinance of the convention, Governor Holden had appointed Messrs. B. F. Moore, R. S. Donnell, and William S. Mason to prepare and report to the General Assembly such changes in regard to the laws concerning the colored people of the State as might appear expedient and proper to these able and experienced legal gentlemen. Mr. Mason is the son of the Rev. Dr. Richard Sharpe Mason, so long rector of Christ Church, in Raleigh. Mr. Mason alone, of the three, is now alive. In his large culture both in law and letters, he has won the highest respect of the men of all parties. His aversion to mere partisan politics, his gracious nature and kindness of heart yet make him beloved and respected by all blessed with his acquaintance.

*Holmes, page 325.

Constitution were not so objectionable, but the third was most sternly resisted. It was pertinently urged that North Carolina would be dishonored were the Commonwealth to become a party to this crusade against the men who had struggled to make good the ordinance of May 20th, 1861. It became a portion of the organic law of the nation, but not with the help of North Carolina. After the passage of the reconstruction acts and the Southern States had been committed to the rule of the former slaves and their alien assistants, it became the Fourteenth Amendment December 18th, 1868.

Dr. G. C. Moore, the Commoner for Hertford, who was Chairman of the Committee on Relief, was a prime mover and earnest advocate of the restoration in the State of the ancient common law right of dower to wives. Previous to the passage of this act a widow was entitled, at the death of her husband, to one-third of the real estate of which he died seized. By the new act, it was provided that this right of dower should extend to all estates of inheritance vesting in the husband during coverture, unless specially relinquished by deed of the wife, regularly attested with privy examination separate and apart from the husband.*

Another statute of this Legislature provided for the supply of artificial limbs for North Carolina soldiers disabled in the war. The unfortunate Confederates saw bounties and pensions heaped upon the late negro troops and their white allies, but the men who had grown immortal under General Lee in Virginia, were left to individual charity, however terribly they had been mutilated on the bloody and heroic fields of their fame. This was the last act of beneficence to them possible through years of subsequent misrule.*

The condition of the Southern States was an anomaly in the history of nations. They had been, up to the spring of 1861, federative heads in the great league constituting the government of the United States. For real or imaginary evils they had seen fit to withdraw from the compact consummated in 1789. The Northern States refused to acknowledge their right to secede,

*Journals.

and in a multitude of ways protested that the Union was still intact. They had made good their assertion at the point of the bayonet. One by one the Southern armies had been crushed into submission, and by all solemnities of the law each of the recusant Commonwealths had done its best to resume its former position in the Federal Union. Such men as Franklin Pierce and the wise of all other lands held that while offending individuals might be amenable to punishment, it was absurd and impossible to enforce penalties as against the abstraction known as a State. Jefferson Davis might be found guilty of "treason," but in what forum could the Commonwealth of Mississippi be impleaded. North Carolina, with a population of almost a million of souls, had not more than one hundred and fifty thousand active agents in the four years of resistance to the general government. Jonah's appeal in behalf of the offending Ninevites was repeated by Northern Democrats, who advocated the restoration of the conquered South to its former position in the national councils.

Harsh judgments are unseemly in the historian. That charity which covers a multitude of faults should make many excuses for the violence and inconsistency of men controlled by the passions of conflict; but candor requires that the truth should be told. The Republican party, founded in the noble idea of human emancipation, had already violated its most solemn pledges to the American people, and was seeming to destroy every distinctive feature previously recognized as admirable in American polity. Their first promise was that they would only interfere with slavery in the Territories. Having elected Mr. Lincoln on this understanding, after the first defeat at Bull Run, they solemnly affirmed that the Union armies should only be used to restore the Union, and that the several States should be left in possession of full local self-government. They had procured the necessary ratification of the Thirteenth Amendment by three-fourths of the State Legislatures, and had thus forever abolished slavery. Without waiting to see the result of the change proposed by Mr. Howard of Michigan, they now resolved to completely remodel the whole government, political aspects and

social relations of the entire South. Thaddeus Stevens in the House, was supplemented by Governor O. P. Morton in the United States Senate. This bold, able and mischievous man, had come, like General Butler, first into prominence as a Democrat. He had manifested great ability during the war as Governor of Indiana. Upon his election to the United States Senate in 1866, he became the warm advocate of President Johnson's policy, and had recently adopted all the hatred and bitterness of the malicious Pennsylvanian, who so fiercely dominated the House of Representatives.

On February 20th, a bill striking down all civil government in the South, was passed by Congress. The President returned it with his veto, March 2nd, and on the same day it was triumphantly passed in spite of him, by the requisite two-thirds majority of both Houses. Under the bill known as the First Reconstruction Act, Governor Worth was removed from office and Major-General Canby of the United States army, in time of profound peace, was substituted with unlimited power of removal and appointment as to every other officer in the State. The Republican party had entirely excluded the Southern people from the halls of Congress, and virtually, from all participation in the government of the nation. It might be that Northern sentiment in the lapse of time could be changed, and majorities opposed to the centralizing and oppressive aims of the men then controlling the legislation of the country, could possibly produce an alteration in the state of affairs. The fear of this contingency prompted still further enactments. On March 23rd, and again June 19th, the Military Governors of the Southern States were directed to appoint officers to conduct a registration of voters allowed under the act of Congress. The Constitution of the United States had declared that each State should be alone empowered to say who were to be the disqualified voters therein. In utter disregard of this fact, although the Fourteenth Amendment was not ratified until December 18th, 1868, more than twenty thousand of the most intelligent and influential voters among the white men of

North Carolina were disfranchised, while every colored man of the State was admitted to registration.

Soon came the proclamation for an election to be held October 19th, for the purpose of electing delegates to a convention called to remodel the Constitution of the State.

Judge A. S. Merrimon of the Superior Court, in the discharge of his functions, about this time received a mandate from His Military Excellency, General Canby, and answered the order by immediate resignation. He was succeeded by Clinton A. Cilley, a Northern attorney, who had recently settled in Guilford county.* Judge Fowle had previously resigned, and was replaced by Alexander Little of Anson.†

*NOTE.—Judge Cilley had held the position of Assistant Adjutant-General in the Federal army, but his conduct was in marked contrast with many Northern men, who then became citizens of North Carolina. He deserved and secured the regards of the people among whom he cast his fortunes, and married a lady of charming qualities, who was reared in the good old North State. He did not offend the tastes of his new neighbors by ill-natured criticism and the assumption of superior morals, but in genteel compliance with what good breeding dictates the world over, secured popular regard both as a judge and a man.

†NOTE.—Upon the resignation of Judge Fowle, Major-General Canby, who was then in command of the military, with headquarters at Charleston, was understood to be on the eve of appointing Albion W. Tourgee to the vacant place on the Superior Court Bench. Governor Worth at once protested against such nomination and wrote thus to Canby his reasons for so doing: "I do not know Tourgee personally, but know that he was appointed at a rural meeting in Guilford a delegate to the political convention held in Philadelphia in September, 1866. He had settled in that county soon after the war, having been a captain of a company of Ohio volunteers. He was reported, in the *New York Herald*, as having made a speech in that convention to enlighten the North as to the character and temper of the people among whom he had settled. I quote from that speech as follows. Speaking of 'loyal men who have worn the blue uniform,' he said: 'I have here, to-day, to say that selling everything they had at a nominal value, twelve hundred of these loyal men have been driven from the State. I know hundreds of these loyal men have been threatened with death if they wore the blue, and they are now wearing the grey. I was told by a Quaker in North Carolina, as I was coming here, that he had seen the bodies of fifteen murdered negroes taken from one pond.' " Such is the testimony of calm and deliberate Governor Worth touching the

As the year of 1867 drew to its close the desponding Southern people were encouraged by the result of the Northern elections. California, Connecticut, Pennsylvania and Ohio, went Democratic, and hope arose that the dense prejudices of the men to whom a mysterious providence had committed our control, were being softened in the lapse of time. The utter futility of any such expectation was to be abundantly demonstrated the next year. Apathy and discouragement pervaded countless hearts. The old men overpowered at the prospect of coming disaster, still perished rapidly from our midst. Rev. Dr. James Phillips fell dead from his seat at morning prayers in the chapel at the University. A month later, April 23rd, Judge Saunders died at his place in Raleigh.

The relations between the President and the Republican party became more embittered with the progress of the year. Mr. Johnson made a tour of the Northern States in the summer, and denounced in unmeasured terms the aims of the Republican leaders, and upon the assembling of Congress, early in December, retaliation was attempted by the introduction of bills for his impeachment.

With the advent of 1868, the people, in hopeless suspense, awaited the action of the State Convention, then in session at Raleigh. The stately Capitol, which had resounded with the eloquence of so many wise men in the past, now exhibited in the hall of the House of Commons, an assemblage composed largely of men lately in slavery and of adventurers who had flocked to North Carolina for the purpose of controlling the black people in their newly-acquired political privileges. Among the few conservative Democrats elected, was scarcely a man previously prominent in the State. Political disabilities not only prevented their

course and aims of Judge Tourgee in 1866. It seems that time, in its lapse, has not changed the drift of his feeling. His recent work of fiction, called the "Fool's Errand," was conceived in the same spirit of misrepresentation of the people of whom he complains for their failure to appreciate him. This book, with a thin substratum of truth, is so cunningly and elegantly adorned by the malicious invention of the author, that other communities and future times may be grossly deceived as to the true state of affairs in North Carolina.

election, but excluded them from the polls. The colored members and their Northern allies were countenanced by a few respectable native-born North Carolinians, who in this hour of the State's calamity became parties to the invasion of her rights, and were known in political nomenclature as "Scallawags." They were but few and can be easily mentioned. Calvin J. Cowles of Wilkes, was elected President. He was a dull man at best, and had never been in political life. He was slow, tedious and generally incompetent as a presiding officer, and speedily relapsed into his original obscurity. William B. Rodman of Beaufort, was then renowned as a lawyer and had been even more violent as a secessionist than Governor Holden. Judge Rodman is an elegant and cultivated gentleman, and one of the greatest jurists in our history. Charles C. Poole of Pasquotank, S. W. Watts of Martin, and William Stilly of Beaufort, are the only other names of native white men on the Republican side deserving of notice, either for talent or public station. Among the colored members were a few who evinced intelligence in strong contrast with the profound ignorance and incapacity of the remainder. Of those who were natives of the State, A. H. Galloway soon became most conspicuous for ability in debate. James H. Harris of Wake, formerly of Canada, had attracted attention by his power on the stump, but had not commensurate parliamentary success. Like John Adams Hyman of Warren, he was venal and regardless of sacerdotal proprieties becoming him as a preacher. J. W. Hood of Cumberland, now a Bishop of the Zion A. M. E. Church, is an alien, and has brought no discredit on his cloth. The "Carpet-Baggers" were headed by Albion W. Tourgee of Guilford. Judge Tourgee had come to North Carolina from Ohio, and is one of the few whose advent has been in any way of advantage to the State. He is a learned and laborious jurist, and possesses literary gifts of a high order. His judicial career, in spite of abundant criticism, redounded to his credit, and his greatest fault is disregard for the honest prejudices of the good people among whom he saw fit to cast his fortunes. General Joseph C. Abbott of New Hanover, had won

distinction in command of New Hampshire troops, and first came to North Carolina with the expedition against Fort Fisher. He was influential rather by position and character, than talent, and was perhaps as free from reproach as any man belonging to his wing of the Republican party. His colleague, S. S. Ashley, like General Byron Laffin and D. J. Rich of Pitt, John R. French of Chowan, David Heaton and Abial Fisher of Craven, and J. H. Renfrow of Halifax were all mere adventurers, alike devoid of ability and regard for the people they were seeking to plunder and misuse.

Among the Democrats of this body, Plato Durham of Cleveland, was the acknowledged leader. He had served with credit as a captain of infantry in the late war. No man surpassed him in moral or physical courage. He loved the people and their ruined cause with a devotion that overshadowed all other sentiments and passions of his nature. Perhaps in his strong feelings he was lacking in that wariness so essential to successful parliamentary lead; but it was rather the incaution of supreme courage than any want of appreciation as to the necessities of the situation. His commanding figure, bold statements and fearless bearing made him the idol of his followers and the dread of the men on the other side of the House. Thomas J. Jarvis of Tyrrel, had been reared in Currituck, educated at Randolph-Macon, and is a battle-scarred veteran of the Eighth North Carolina State Troops. Plain, modest and direct in his addresses, Captain Jarvis was soon to win the respect of all parties, and in cool strategy, to supply the deficiency of his compeer, Durham, in that respect. His long service in the field, unfaltering support of the doctrines of the reserved rights of the State and persistent warfare upon whatever was in his estimation contrary to Democratic theory and usage, yet render him one of the most consistent leaders of that ancient party.

The conservative Democrats were in hopeless minority, and sat in helpless astonishment as the Northern members of the Convention uprooted one by one, so many of the ancient landmarks of the State. The room in which they held their session

was for the accommodation of the body known as the House of Commons. This name had suited our people for a century past, but was changed, and has since been known as the House of Representatives. The Bill of Rights was altered in such a way as to put it in conflict with the resolutions of 1788-'89, and the dead secession lion was thus kicked by men who had once shouted in his praise or fled in affright from his terrible battle cry. Two new officers were added to the State government. They were the Lieutenant-Governor and Superintendent of Public Works. Two additional Judges were ordered for the Supreme Court, and five to the circuit bench. County courts were abolished, and the whole Common Law and Equity practice replaced by the New York Code of Civil Procedure. Even the State University did not escape profaning hands, and the effort to manipulate that ancient institution in the interest of the Republican party, at once proved fatal to it as it did to its displaced president, ex-Governor D. L. Swain, who sank beneath his misfortunes and died at Chapel Hill, August 7th.*

The condition of the South was marked by discord and despair among the white people, and uproar and "confusion worse confounded" as to the negroes. It was as if some peaceful hive had been upset by blundering hands and a whole colony of bees maddened in the fact of irreparable catastrophe. The presidential canvass was on hand and the fields were almost forsaken by the colored laborers, who flocked to the meetings of the Loyal

*NOTE.—While witnessing these transformations in Southern government and society under the direction of the Congress of the United States, President Johnson must have remembered with grief that they were inaugurated by his own example three years earlier. He had refused to obey the action of the convention of Tennessee, and, treating its Ordinance of Secession as a nullity, remained in his place as an United States Senator. He denounced secession as a treasonable nullity and insisted that his State was still a member of the Federal Union. How then was he consistent in demanding a formal return of the Confederate Commonwealths by action of State conventions. Mr. Lincoln was doubtless both honest and consistent in his position just before his death, when he instructed General Sherman to only demand the cessation of resistance to Federal authority as a condition of peace to the men in arms against them.

League to grow frantic under the harrangues of emissaries from the North, aided by kindred spirits among the recent white recruits "to the manor born." Political eloquence became epidemic among the frenzied Africans, multitudes of whom felt it their duty, not only to preach the gospel, but to enlighten the nation as to its civil duties. Ignorance and craft joined hands in stimulating infatuation to the very verge of madness, until only the mercy of an overruling wisdom averted ruin and bloodshed. Such men as William A. Smith of Johnson, who had been a negro trader-before the war, and a merciless hunter-down of conscripts during hostilities, were now vehement in denunciation of the cruelties of slavery and of the Confederate government. The impoverished men who had lost not only property, but liberty, were also accused of a wide-spread conspiracy to restore slavery and again renew the war against the Union.

The Ku-Klux-Klan was the basis of this charge. It was at best the wretched expedient of men grown desperate. The Loyal League had banded the negroes and their white sympathizers into a compact and aggressive organization which was being used, not only as a means of violence, but also of protection to offenders belonging to its ranks. Southerners attempted to countervail this great danger by a rival organization, which should aid the ineffectual courts in repressing the numerous cases of rape, murder and arson, unmistakably traced as the work of the League. The gallant Colonel J. H. Nethercutt, late of the Sixty-sixth North Carolina Regiment, like a host of others, had been murdered in cold blood. In Jones county, as in Robeson, life and property were as insecure as if the bandits of the Pyrenees had been transferred to North Carolina. As one wrong always begets another, the violence of the League thus gave birth to the Ku-Klux. They had no followers in the Albemarle region, and were, by a singular coincidence, confined to the very region which was a century before, the scene of precisely similar occurrences in the war of the Regulation, in Governor Tryon's time. The Ku-Klux were more sinned against than sinning. They furnished food upon which "bloody-shirt" imaginations for years ran riot.

Unnumbered falsehoods exaggerated their misdeeds, and invented offences of which they were innocent, and yet their existence was a misfortune to the State. It prolonged our miseries and called down upon their own heads a punishment on the part of the Federal government, so furious and pervading that innocent and guilty men were alike dragged off to imprisonment in the Albany Penitentiary. It may seem curious to a remote posterity that no Federal statute was passed, and no court of the United States ever busied itself to repress the kindred misdeeds of the rival organization, the Loyal League.

The Convention, by its ordinances of submission of the Constitution to popular ratification, provided that the members elected to the Legislature should assemble fifteen days after Congress should approve of the new organic law framed for North Carolina; consequently the General Assembly was speedily convened. Lieutenant-Governor Tod R. Caldwell of Burke, of course, presided in the Senate. He had been for years respectable as a lawyer and politician in the western counties. He was a small, red-faced, irascible man; bitter in his prejudices and holding it as a fundamental article of his creed to hate and oppose the Democrats. It was rather this than venality and corruption which led him to the support of his new political associates. Like Judges Dick and Settle, he had numerous family connections of the utmost respectability, who were doubtless equally pained and astonished at his course.

Among the few Democratic Senators were seen Judge James W. Osborne of Mecklenburg, and Major William M. Robbins of Davie. The latter had been a gallant officer under General Lee and was to acquire prominence and usefulness in the State. He had graduated at Randolph-Macon College, and is yet learned, eloquent and assiduous in the discharge of his public duty. Colonel William A. Allen of Duplin, Captain Josiah Turner of Orange, and Bedford Brown of Caswell, so distinguished for long service and devotion to the Union, were all banned and debarred of their seats, as was also E. W. Jones, a Democratic Senator for the Forty-first District.

In the House of Representatives young Joseph W. Holden, a son of the Governor and a member for Wake, was chosen for Speaker. He was a man of talent and has left some fine literary memorials, which are enough to awake regret for the errors and mistakes of his short and wasted life. Plato Durham of Cleveland, like T. J. Jarvis of Tyrrel, had been a Confederate captain, and did valiant service in resisting measures which they deemed hurtful to the State. Mr. Jarvis, and John Gatling of Gates, were members of the Bar, and both were to achieve prominence in our courts. They were the leaders of a forlorn hope in their efforts to resist the plundering schemes of the "Carpet-Baggers." General Byron Laflin of Pitt, was the leader of these cormorants in the House. Many of his associates had been provided for by seats in Congress, on the circuit bench and other "fat places." But they were on hand as lobby members under the astute management of General Milton S. Littlefield. This man, like Laflin, was a prince of "Bummers." They had brought no capital to North Carolina, but were now as lavish as millionaires both in personal luxuries and in bribes to the easy conscienced members of both Houses of the Legislature. General Littlefield had purchased Governor Holden's interest in the *Standard*, and that paper continued to be the Republican organ until an unlucky editorial relating to the ladies of the State, aroused so much indignation that this ancient advocate of secession hid its ignominy and assumed an alias.

In the two centuries which had elapsed since North Carolina had possessed Legislative privileges, not an instance of official corruption in a member of the General Assembly was on record. Reconstruction and the political missionaries most foully reversed this fair habit of the past. By Section 5th of Article V. of the Constitution just passed, it had been provided that "until the bond's of the State should be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually."

At this period North Carolina, for about twelve hundred miles of railway and the canals in which the State had taken stock, had issued bonds amounting to fifteen millions of dollars. This great sum was beginning to be burdensome in the prosperous days preceding the war. Treasurer Kemp P. Battle, in the administration of Governor Worth, had discovered that even the interest on that sum would prove ruinous if exacted from the people, and it had been early seen that the State's only escape from bankruptcy or repudiation would be in effecting a compromise with the creditors. It is impossible at this day to portray the horror and dismay of the property-holding tax payers, as the newspapers announced the passage of bill after bill, adding fresh millions of expenditure for railroads and other public works, amounting, at the end of the legislative term, to a sum quite as large as all the debt contracted by the State in its entire history up to the close of the war. The French faction known as the "Mountain" was more atrocious in its blood-washed infamy, and a Scotch Parliament had been base enough to bargain away the life of its suppliant King, but in the history of the world there has been no parallel to the weakness and venality of the legislative bodies which assembled at the bidding of the United States Congress in 1868, to plunder and disgrace North Carolina and her Southern consorts.

The last Eastern Superior Courts under the old dispensation were held in the spring of 1868. His Honor, Judge Robert B. Gilliam of Granville, presided. This venerable and most excellent man had well-nigh reached the limit of his official and natural life. He had been widely respected for learning, purity and large success as an advocate. He had graduated at Chapel Hill in 1823, along with Judge Pearson, Daniel W. Courts and others, and had, through a long life, been a model of courtesy and propriety. He was kindly, and ever cheerful in society, and much noted for patience, benignity and rectitude on the bench. To learning in the law he added large literary attainments, and was as instructive as he was entertaining at the fireside. Judge C. C. Poole, newly elected for the First District, had recently

graduated at the State University and was without experience at the bar. He has fair talents, an obliging disposition and much impartiality in his rulings on the bench.*

There was much lamentation among the other lawyers over the radical changes of the courts and the law. Under the new system there was no longer such a thing as a Court of Equity in North Carolina. "John Doe and Richard Doe" were forever banished from the dockets. Amid much that was to be deplored, a large store of common sense had come to supply the tedious and unmeaning technicalities of the ancient system of pleading.

In the elections of judges, solicitors and magistrates, the legal profession was likewise highly dissatisfied. They maintained that the acts of the demagogue would replace personal fitness in the future, and that judicial independence was at an end when such positions were to be periodically sought at the hands of the people. Lawyers are almost always conservatives, and distrust the wisdom of universal suffrage. They well know that while the populace may recognize a great advocate, they are still dependent upon information from members of the Bar as to a lawyer's attainments as a jurist.

*NOTE.—Captain Mills L. Eure, who had succeeded J. J. Yeates, was in turn replaced by Jonathan W. Albertson of Perquimans. This latter gentleman is a man of decided parts, and formidable in forensic encounters.

CHAPTER X.

A. D. 1868 TO 1870.

Patience of the South—Northern Democrats assert the rights of the States in Congress—Seymour and Blair—Grant and Colfax—Deaths of James Buchanan and Colonel Outlaw—North Carolina in 1869—Habit and prejudice outraged—Bitterness against men of the South who sided with the Republicans—Their excesses—Animus of the negroes—"Bloody-Shirt" stories—John R. French and his associates—Andrew Johnson as President—Death of Franklin Pierce and others—Military domination still kept up in the South in 1870—Fifteenth Amendment—Governor Holden, Shoffner and the militia bill—The Ku-Klux—Enrolling the militia—Josiah Turner and the *Sentinel*—Hertford county—Wesleyan Female College—Persistence of the Democrats—Judge Shipp, Attorney-General—S. F. Phillips—Murder of Stevens—Its consequences—G. W. Kirk—March of the Kirk levies—Turner, Kerr and others imprisoned—Chief Justice Pearson refuses legal assistance—Terrible condition of affairs—Judge Brooks issues *habeas corpus*—Failure of the whole scheme—Congratulations—The Union League and the Ku-Klux—Deaths of John H. Bryan and Bedford Brown.

Three years had gone by since the war had ceased, and still the Union was but partially reconstructed. Virginia, Mississippi and Texas were without Congressional representation, and were to take no part in the election of the new President of the United States. The apathy of the Southern States as to national affairs, so marked just at the conclusion of the war, had given place to a more healthy tone of public sentiment. The harshness of the reconstruction measures had aroused the determination of men who, though conquered in the field, were yet capable of patient heroism in upholding the small remnant of their liberties. They saw amid the legislators at Washington, a band of Northern statesmen who were true to the Constitution, and were fearlessly proclaiming the wrongs of the injured States. Such men as General John A. McClernard of Illinois, Senator Doolittle of Wisconsin, C. L. Vallandigham of Ohio, and S. S. Cox of New York, were signs of hope and eventual deliverance.

Governor Horatio Seymour of New York, was selected as the Democratic candidate for President. He was one of the foremost statesmen of the nation, and was as illustrious by public service as he was honored for the purity of his life. General Francis P. Blair of Missouri, had won fame as a soldier, but was equally prominent as a civilian. He was at one time a student at Chapel Hill, and was bitter in his denunciations of the reconstruction measures. General U. S. Grant had become famous from his success in the war. He had exhibited a noble spirit in his treatment of General Lee and his captured army. When sent to the South, by a resolution of Congress, to report as to the state of affairs there, he had done full justice in his statement as to the loyalty and peaceful disposition of the people. The South justly distrusted the company he was keeping in accepting the Republican nomination; but had no dream of the harshness of his future rule and his utter disregard for the provisions of the Constitution. He said "Let us have peace," but upheld measures which he must have known would produce discord, so long as the unnatural effort should continue to subject wisdom, valor and property to the control of ignorance, vice and poverty. General Grant, and Schuyler Colfax of Indiana, were elected President and Vice-President of the United States. When Congress assembled in the House of Representatives to declare the result, the vote of Georgia, which had been cast for Seymour and Blair, was rejected on the score of alleged "intimidation of Republican voters." The subsequent doctrine—that the action of the State authorities is final and beyond the reach of amendment on the part of Congress—had not been invented at that day, by men whose whole political lives had been devoted to opposition of such assertions of State rights.

To all human appearances, the closing in of the year 1868 disclosed unbounded promise of success to Thaddeus Stevens and the members of the Republican party who shared in his vindictive feelings toward the South. He did not live to witness the election of General Grant, but expired August 11th, amid the fruition of his schemes. A very different spirit had likewise just

previously departed at Lancaster, in the same State of Pennsylvania. James Buchanan, whose great pity for the seceding States was still fresh in his bosom to the hour of his death, seemed to have been spared as a contrast and rebuke to the iron-hearted and relentless Quaker, whose religion was hatred and who was so utterly a stranger to the sweet charities of nature.

The Albemarle region and the State at large were saddened in the demise of Colonel David Outlaw, October 20th. The aged man, bent with the weight of years, griefs and many infirmities, took his departure at the blackest hour in the fortunes of his beloved people. It seemed to his fading vision that God had surrendered the land he loved to all the hardship and ignominy that enmity could devise or cruelty execute. He had no prophetic intimation that deliverance was yet in store. The Republican party held all the national offices. With the exception of New York and Connecticut, all the Northern States were in the same control. They were also in possession of the South, and by means of proscription, registration tricks and returning boards, it seemed impossible to shake off the shackles so artfully imposed.

When the year 1869 came upon North Carolina, the people had scarcely recovered from the stupor and astonishment produced by such radical and pervading changes in their midst. The prejudices of caste are ever strong and slow of removal. Decent white people for centuries had been regarding their African bondsmen as vastly inferior to themselves in the scale of being. Education and habit had placed the one race in subjection to the other, and emancipation had been scarcely effected before the reception of the new decrees, which, in effect, not only equalized politically the two, but practically subjected the late Confederates to a galling control by their former slaves. Under these circumstances, there was a natural resentment against the authors of such humiliation. The Northern Radicals and intruding "Carpet-Baggers" were, of course, hated and denounced, and the latter were as effectually excluded from good Southern society as if they had been the attainted felons of a former age. Those ex-Confederates who had espoused the Republican cause most sorely tried

the patience of their former friends. They were freely denounced as traitors to their own blood and firesides. They were held up to scorn, in the fact of their betrayal of their own people. It was asserted that for nothing but gain and the gratification of an unhallowed ambition, they had taken service with the alien enemy. Some demanded that these men should be entirely excluded from social amenities, and what was known as the "color line" enforced.

The Southern men of the Republican party made excuse that we were a conquered people and that the mercy of the victors was all we could claim. They said the North would do what it pleased with the South, and that political resistance would prove as unavailing as had been the struggle in the field. They denied that hardship and cruelty were to be found in Republican measures, and grew eloquent over the forbearance and moderation of that party. They did not stop with the simple defence of their new associates, but added insult to injury by denunciations of the very cause in upholding which, some of them had periled their lives on the battle-field. They too were full of offensive remarks touching the conduct of slave owners, and too often inflamed their colored auditors with complaints concerning things of which they were just as guilty as any in the land.

The masses of the negroes were disposed to be quiet and generally feared personal violence and its consequences, in political disputes. But it was early discovered that the effects of reported collisions between white and black people were of immense benefit to the Republican party in the Northern elections. The "Ku-Klux" and the "Bloody-Shirt" became indispensable, and soon systematic schemes were organized for provoking misguided men into furnishing food, upon which fertile imaginations reared stupendous fabrics of outrage and bloodshed. These were, in a majority of cases, founded on trivial affrays, but were magnified in their transmission until whole columns of Northern papers teemed with sensational accounts of butcheries which had never been committed.

In the Albemarle region, during this distressed period, there was entire peace between the races. The white and colored voters were almost evenly balanced, and the Republicans had carried the district at the last election by the defection of white men from the Southern ranks. The Ku-Klux had no foothold in this section, and kindness and forbearance were the rule of conduct observed on both sides. Some ambitious men of color sought and obtained places as magistrates, but most of them soon grew satisfied as to their own utter unfitness for such a position, and resigned.

Of John R. French and his antecedents, the people he then represented knew nothing. He had come to North Carolina, and the first intimation of his residence came in his candidacy for the representation of the First District. This dull and unknown alien had defeated Major Henry A. Gilliam of Edenton, who is at this day one of the very ablest lawyers in the State of North Carolina. Mr. French was not convicted of corruption as were Deweese, Littlefield and others, and committed his gravest offence in his rash intrusion upon a strange people. Like almost every one of his Northern associates, he was soon to be displaced by action of the native white Republicans, and was provided for by his appointment as Sergeant-at-Arms of the United States Senate.

Andrew Johnson was rapidly approaching the end of his stormy administration. He had triumphed over the violence and injustice of his persecutors in his acquittal in the matter of his impeachment. He had struggled to remedy the effects of his mistakes as to the South, but his rule as President had been far from being above reproach. He and his Secretary of State, Governor Seward, might easily have saved the life of poor Maximilian of Austria, after his betrayal and condemnation in Mexico. The murder of the ex-Emperor by the inhuman and barbarous rabble, so lately his subjects, was one of the most tragic and deplorable incidents of modern history. With all his faults of temper and manner, Andrew Johnson was a marvel of purity and patriotism as compared to the venal and shameless coteries by which he was

then surrounded in Washington. He was above the wretched bargains and sales of the "*Credit Mobilier*," and walked unspotted amid the ignoble spirits who had been bought and paid for by Oakes Ames.

In the plenitude of their grief and humiliation, the Southern people scarcely gave a thought to the movements in Germany, terminating with the overthrow of Austria on the field of Sadowa. The Prussian monarchy effected the long cherished dream of Teutonic unity, but to us the great event was shorn of interest as the people brooded upon the memory of their own misfortunes. North Carolina lost no prominent man in 1869, but in the death of ex-President Franklin Pierce, at his New Hampshire home, October 9th, there was occasion for sorrow to every true Southern man, as if he mourned the loss of a blood relative. In the simplicity and uprightness of his nature, in his firm adhesion to constitutional rights, in the catholic wideness of his heart and fearless denunciation of wrongs, he had died as he had lived, an unfaltering patriot, and a pure and blameless gentleman.

CHAPTER XI.

A. D. 1870.

Condition of the South—Governor Holden—Shoffner and his Militia Law—The military measures of the State government—Josiah Turner—Negro suffrage—The candidates for Attorney-General—The murder of John W. Stephens—The Governor declares martial law—George W. Kirk—The *coup d'état*—Chief-Justice Pearson and his fruitless process—Judge George W. Brooks of the United States District Court dissolves the charm—Result of the elections—Disappearance of the Union League and the Ku-Klux—Deaths of John H. Bryan and Bedford Brown.

When the year 1870 dawned upon the people of North Carolina there was no appearance of further encroachment on the part of the United States Congress in the matter of their internal government. The whole South was still held under close military surveillance, and was divided into army districts, whose commanding officers were clothed with such power as to render the nominal Governors of the several States mere puppets of the Generals and their grand commander, who had converted the White House at Washington into little more than military headquarters. It almost seemed that martial law had been declared and the whole civil machinery of the government subordinated to the Secretary of War and his scattered myrmidons. The Southern people were rather pleased than otherwise with the proposed Fifteenth Amendment, so soon to become a portion of the Constitution. If they were to be subjected to the enormous evils of negro suffrage where the African race was numerous, it seemed but justice that Northern States should drink of the same chalice. It removed at least one badge of an ignominious subjection, and like the miserable of all ages, they were thankful for the smallest appearance of equality and recognition.

Governor W. W. Holden seemed firmly seated in his long-coveted position as Chief-Magistrate of North Carolina. He had been elected by an overwhelming majority, and was furthermore

supported by the resistless power of a great and centralized government. Though subtle and naturally intelligent, he was never entirely a wise man. An intense partisan, by the necessities of his nature he allowed the gentleness of his disposition to be overcome by the violence of his political desires, and in this way had all along been hated and denounced even by men of his own party. Governor Holden feared the mysterious phantom of the Ku-Klux. He had not grown warm in his seat before T. M. Shoffner, an obscure man, then Senator of the Twenty-sixth District, at the Governor's suggestion, introduced a bill for the enrollment and organization of the State militia, which awoke a storm of indignation, and proved in the end the rock upon which his political fortunes were to be wrecked. The Constitution of the United States provides, that, without the consent of Congress, "No State shall keep troops or ships-of-war in time of peace." There were then in North Carolina, as ever in all communities, acts of occasional violence, and these fell upon members of the Republican party, as well as other men. The barns and gins of white Democrats, and their families, also were frequently the objects of violence on the part of men belonging to the League. It seems beyond question that, had no steps been taken as to the negroes to band them into a compact organization, by means of a secret society, then no Ku-Klux would have been arrayed against them. Wherever, in North Carolina, the Judges and juries fairly punished members of the League for their many crimes, there was no embodiment of Ku-Klux. In the mountains, where the ignorant and depraved George W. Logan disgraced the Bench, and in the Greensboro District, where the intense partisanship of Judge Tourgee was felt continually in his rulings, were to be found first, the outrages of negro incendiaries, and then the bloody vengeance of the midnight horsemen. Colgrove was thrust, as sheriff, upon Jones county by the military commanders, and deserved his death for the distractions and bloodshed he brought into that distressed community.

The Ku-Klux were doubtless the agents in hanging Outlaw at Graham, and other similar transactions, but the State Courts,

officered by Republicans, were free to redress the perpetration of these wrongs, when the Shoffner Bill, in 1870, was ratified as the law. It provided, in Section 8, that the Governor should be authorized to organize a standing army, composed of six regiments of infantry, three battalions of cavalry and one battery of light artillery. Furthermore, by Section 12, any Judge, Justice of the Peace, Sheriff or his deputy, Constable or County Commissioner should have power, upon reasons stated and forwarded to the Adjutant-General, to call out, as auxiliaries, fifty men to each Representative in the Lower House of Assembly for every county wherein such officer should deem it necessary to preserve the peace. This violent and unnecessary measure was warmly opposed and denounced by the Democrats in the Legislature and by the whole conservative press of the State.*

Governor Holden thus empowered, proceeded to appoint three Major-Generals of Militia. F. G. Martindale of Martin, a "Carpet-Bagger" representing the Second Senatorial District, was appointed to the command of the Eastern division; W. D. Jones of Wake, the Cental and J. Q. A. Bryan of Wilkes, that of the Western department. Another "Carpet-Bagger," A. W. Fisher, then of Duplin, was created Adjutant-General with a salary of twelve hundred dollars a year. The Shoffner Bill had also provided for the separate enrollment of the colored men, and the negroes, like children with fresh toys, were enraptured with the opportunity of appearing as soldiers in the villages and cross-roads of their vicinity. The hottest and longest day did not abate their military ardor. Through clouds of dust and stifling heat, from sunrise till dark, amid the discord of tortured drums, they marched and countermarched at the inexorable commands of their sable captains. In such uproar village life became almost insupportable, for the Africans, with their admiring females in attendance, generally considered their duties but half performed with the setting sun, and were too apt to make night

*Journals.

hideous with a continuation of the maddening and ridiculous noise.

About this time Rev. William E. Pell, who had been since the close of the war, in the conduct of the State conservative organ, known as the *Sentinel*, sold the same to Captain Josiah Turner, who resided in Hillsboro. He had been a member of the Confederate Congress and came, as some avenging spirit, to expose the corruption and malfeasances of the men of all parties. He was armed with a whip of scorpions alike for the foreign intruder and those sons of Carolina who had, in his estimation, deserted the State in the hour of her agony. It is a consoling belief of many excellent men, that by special providence, certain individuals, like ancient Gideon, are divinely appointed for the correction of great offences. In ordinary times the intense bitterness, the ceaseless denunciation and the overflowing ridicule of Captain Turner's editorials would have been misplaced and unwarranted, but the combination of foreign and native outrage, of wholesale fraud and corruption, made moderation a vice and further endurance as misplaced as it was ruinous. A file of the *Sentinel* for the year 1869 and the succeeding cycles would astonish posterity that such a state of affairs could be possible in a civilized community. That honest legislation, judicial purity and executive propriety were again restored was largely due to the fearless and honest, though eccentric efforts of Josiah Turner.

The condition of the State in these years so politically darkened, was one of progress in spite of disorganized labor and party turmoil. The colored people, almost to a man, invariably voted in utter disregard of the wishes of the whites, whom they followed and trusted in everything but the matter and manner of the exercise of their elective franchise. Almost the whole of them were dependent upon their white neighbors for the means of subsistence. They worked upon the farms and dwelt in the houses of the very Democrats for whose political and financial undoing they so blindly and obstinately struggled at the polls. They were pitied as misguided children, and through unavailing years are still waited upon with the hope of returning reason and

gratitude. Most Southern men had scorn enough for those Confederates who excused their own desertion of the old cause by terming it "accepting the situation," but they pardoned the misled negroes in the fact of their ignorance. Many of the colored people were shiftless and but little regardful for their contracts. The time of the Superior Courts was in a great degree monopolized with the trials of their offences, but some good examples among them were giving promise of future amendment. The original free negroes were making unmistakable advancement, both morally and materially, and generally held themselves aloof in church matters from the society of the freedmen.

The Conservative-Democrats were yet undismayed by their late terrible defeats in North Carolina and elsewhere throughout the Union. Their opponents had greatly outnumbered the seventy-two thousand five hundred and ninety four votes cast for Thomas S. Ashe in the gubernatorial contest two years before. Their enemies were in possession of all the State's high places, backed and supported with the presence of United States troops and the mailed hand of President Grant, then so omnipotent in Southern elections. Georgia had presumed, in the late Presidential struggle, to disregard his claims, and that Commonwealth had been remanded by Federal authority to a state of ignominious tutelage, in order that her people should learn lessons of obedience in the sway of a military governor. The prospect of success was feeble enough as they stripped for battle. The only State officer to be selected was an Attorney-General. William Coleman had been elected two years before, but a foreign consulship had been procured for him, and in his place Governor Holden had appointed just previously L. P. Olds. Men of very different stamp were selected as candidates for the office. The Democrats proposed William M. Shipp of Lincoln, late a Judge of the Superior Court. He had lost his position by reconstruction, and was much respected as a lawyer and a man in every quarter of the State. His opponent, Samuel Fields Phillips of Orange, now Solicitor-General of the United States, is a jurist of the highest character. He is the oldest

son of Rev. Dr. James Phillips, so long a Professor of Mathematics at Chapel Hill. His fine native ability has been elaborately cultivated, and his only reproach among his ancient friends, as in the case of Judge Rodman, is in the fact of his party affiliations.

In every county of North Carolina, however hopeless the contest, Democratic candidates were brought forward and the battle soon waxed warm. An event horrible and startling, sent a thrill of grief and astonishment through the State. John W. Stephens, Senator for Caswell, on the 21st of May, was murdered in the court-house, while thronged with the people, and yet the only evidence of the crime was the lifeless body with its fatal wounds. The Republicans assumed that it was the work of the Ku-Klux. The Klan protested that Stephens had been immolated by his own party friends to subserve Republican ends. The victim was not specially odious to his political adversaries and was not of a temperament to provoke the vengeance of the secret tribunal. He was held rather in contempt than in enmity, and thousands of his party associates were more obnoxious than himself. The Ku-Klux made no concealment of their hanging Outlaw, but gentlemen of the highest respectability, who were privy to their secrets, yet protest their entire innocence of this most atrocious and fiendish outrage.

The assassination of Stephens was the signal for a prodigious outcry on the part of Governor Holden and his supporters in North Carolina. They stirred up wrath amid the Federal authorities at Washington, and many presses of the North swelled the volume of indignation. It was unhesitatingly assumed by the Republicans that the outrage was the work of the mysterious "White Brotherhood," which had grown so horrible to their imaginations. No wise and practical steps were taken to ferret out the perpetrators, and the Governor was openly accused of abandoning the investigation for fear of implicating his own friends. The intent of the Shoffner Force Bill was soon apparent. Upon the plea that Stephens' murder and other transactions of the past amounted to insurrection, in imitation of Governor

Tryon, martial law was declared in Caswell and Alamance. George W. Kirk of East Tennessee, who had ravaged our Western counties, and murdered Major John W. Woodfin, Waightstill Avery and other citizens of North Carolina during the late war, was put in command of some hundreds of mixed troops. Colonel Oliver P. Dockery of Richmond, had been tendered this same command, but refused it. Just previous to the election, (that is, on the 15th day of July, 1870,) Kirk and his levies marched from Raleigh by order of the Governor, and soon Adolphus G. Moore, Josiah Turner, John Kerr and others in different counties, amid circumstances of unusual harshness, were seized and committed to the county jails. Legal redress was sought at the hands of the State Judges.

It was with the great body of the white people of North Carolina very much as it had been in England, when, in the time of James II., the weeping and indignant populace saw the seven Bishops conveyed as prisoners to the Tower of London. More than one hundred men, many of whom were of the first respectability, had been seized and shut up in prison. No legal process was shown as the cause of this *duress*. No court nor even an officer of a court had authorized this privation of liberty. A coarse, violent and unprincipled stranger, who had already grown infamous in years past for blood and rapine in our midst, had returned, and, with kindred spirits, was hunting down the Democratic leaders and reserving them, as then appeared, for death under the decrees of drum-head courts-martial.

In this terrible dilemma, ex-Governors Bragg and Graham, with ex-Judges Battle and Merrimon, joined E. S. Parker of Alamance, as counsel for Adolphus G. Moore.* His was made a test-case and was the first brought in chambers in Raleigh before the learned and able Chief-Justice Pearson. This great jurist had long received the admiration of the whole people of the State for his extraordinary judicial capacity. He had been sup-

*NOTE.—This unfortunate man, who was so prominent in the Ku-Klux troubles, was not to find peace with the subsiding of that trouble, for he was slain subsequently in a private difficulty by George W. Swepson.

ported by both Republicans and Democrats in the recent election and sat in his court as the representative of all. He had shown marked devotion to popular rights, and by his decision had liberated more than one individual, in his opinion, unlawfully deprived of liberty. Judge Pearson, upon application, readily granted the writ of *habeas corpus*, which directed George W. Kirk to bring the body of Adolphus G. Moore before His Honor immediately upon the receipt of the mandate.* On July 18th, two days later, A. C. McAllister, under oath, made return, stating that on Sunday, the 17th, he had found the defendant, Kirk, at a point near Company Shops; that he was then in command of a large body of men. He certified that upon service of the writ, Kirk had remarked that such papers had "played out;" that he was acting under orders of Governor Holden in disregarding the writ, and that McAllister might take the papers back and tell the Court at Raleigh that another court had been appointed to try his prisoners, and that he should not surrender them until ordered so to do by the Governor, or be compelled to surrender to a superior force.

Upon this return being made, the petitioner, Moore's counsel, moved that a writ of attachment be issued against Kirk for his refusal to make proper return on the writ of *habeas corpus*, and further, it was asked that some sheriff, coroner or other person be directed to bring the body of the petitioner before the Court.† Richard C. Badger, as "*amicus curiæ*," suggested that the Governor of the State might desire to be heard in the matter before a final disposition of the motions before the Court. Judge Pear-

*NOTE.—My authorities in the narrative concerning the troubles of 1870, are Governor Holden's Message, Judge Battle's pamphlet report of the *Habeas Corpus* Cases, the speech of John Manning, M. C., and the newspaper files furnished me by my friend, Sherwood Haywood, Esq., the present efficient State Librarian.

†NOTE.—Judge Pearson alone acted in the causes of the men arrested by Kirk, but his associates, Judges Reade, Rodman, Dick and Settle, were said by him, in the delivery of one of his opinions, to be in full accord with his views, and concurred in the action he thought proper on that occasion.

son thereupon postponed further hearing of the cause until 3 o'clock that evening. He wrote to Governor Holden, informing him that four writs of *habeas corpus* had been disregarded by Kirk, under the plea that he was acting under His Excellency's orders. The Chief-Justice desired to be informed if the Governor had ordered Kirk to make the arrests in question. Nothing was said, in this letter of the Chief-Justice, as to what orders the Governor had given Kirk concerning his contemptuous disregard of the writ. The Chief-Magistrate replied that George W. Kirk had made the arrests and detained the prisoners under the Governor's orders. He avowed that, in his estimation, such had been "the violence of bad and disloyal men," that "civil government was crumbling" around him. That, "by virtue of power vested in him by the Constitution and laws, and the inherent rights of self-preservation belonging to all governments," he had proclaimed Alamance county in a state of insurrection, and that public interest required that at that time the prisoners should not be delivered up.

Upon the reception of the Governor's letter to Judge Pearson, accompanied by sundry copies of proclamations which had been at different times made public by that functionary, which were read by Richard Cogdell Badger, of counsel for the Governor,* the learned Chief-Justice said that the lawyers engaged would do well to observe four questions of law involved:—Did the facts of the case afford defendant Kirk a reasonable excuse for not making return to the writ of *habeas corpus*; Did they really constitute what was in law an insurrection, so as to justify a suspension of *habeas corpus*; Further, in view of the probable conflict between Kirk and a *posse comitatus*, was the Shoffner act to be so construed as, under the Constitution, the Governor could

*NOTE.—R. C. Badger, mentioned in the text, is the son of Judge Badger, who has been so often mentioned in foregoing pages of this book. He has largely inherited his father's intelligence and social graces. Learned, witty and kindly disposed, it is strange that he should have at all appeared as Governor Holden's apologist, especially when we consider his testimony concerning John Pool and his man, McDonald Lindsay.

raise the militia and suppress insurrections; and, in that view, should the writ demanded be addressed to His Excellency?"

Judge W. H. Battle, for the petitioner, renewed the two motions and claimed that the Judge was bound, under Statutes 1868-'69, Chapter 116, Section 15, to carry out the first. He noticed Kirk's contemptuous disregard of the service of the writ. His pretence of orders from Governor Holden was no excuse, and he was the proper person of whom to demand the body. After an able citation of parallel cases as authorities, this venerable and learned man, who had been so long the associate of Judge Pearson, both on the Superior and Supreme Court Benches, was followed by Messrs. W. A. Graham, B. F. Moore and A. S. Merri-
mon in advocacy of the same motions. No people ever awaited in more eager suspense the action of a legal tribunal. The State election was to occur on the first Thursday in August, and who and how many more were to be arrested, and what was to be the fate of those already in durance, were topics of the profoundest interest. It was as if the general pulse stood, when it was known that Judge Pearson had refused the order for attachment against Colonel Kirk.*

*NOTE.—I have appended here, in full, the decision of the Chief-Justice, that he may have the benefit of his own words as reasons for his course in this most memorable and unfortunate case. That he was sincere in the expression of his views as to the limits of his power in the premises, must be taken as true. A long and honorable judicial career speaks trumpet-tongued against the supposition that he prostituted his great place to advance the fortunes of a party. It is also impossible of belief that he could have deliberately refused what relief he might have afforded to a people almost frenzied with what they considered the unchartered outrages of men forced into the State offices by means of the Congressional Reconstruction Acts. After solemn debate and deliberation, the decision was made, and was as follows:

EXPARTE ADOLPHUS G. MOORE.

Upon proof of service and the failure of Colonel Kirk to return the writ, the counsel of the prisoner submitted two propositions:

1. For an attachment against G. W. Kirk for failing to make return;
2. For a writ, to be directed to the Sheriff, commanding him, with the power of the county, if necessary, to take the prisoner out of the hands of said Kirk, and have him before the Chief-Justice.

Upon the rendition of Judge Pearson's decision in Moore's case, there was a mixture of grief and indignation filling the hearts of a large proportion of the people of North Carolina in their sympathy for the men, then the prisoners of Kirk, and they were not charitable in thought or speech concerning the great jurist who had failed to use the ultimate resources in his power for the preservation of individual liberty. He had not refused the writs of *habeas corpus*, but declined to take any step

The fact of service and failure to make return was a sufficient foundation for these motions. But the affidavit sets out further that G. W. Kirk said "he was acting under the orders of Governor Holden, and should make no return."

This extraneous matter, if true, had, in my judgment, an important bearing on the pending motions, and not being at liberty to assume it to be true on the verbal statement of Colonel Kirk, I addressed a communication to His Excellency, asking to be informed if Colonel Kirk had his orders. The purpose was to have the orders to Colonel Kirk avowed or disavowed, and make it a fixed fact one way or the other, and to afford an opportunity to His Excellency, if avowed, of setting out the ground of his action, and of being heard by counsel. The cause of truth is always served by argument on both sides.

I. The main question, and one on which both motions depend, is this: Does the fact that the Governor had declared the county of Alamance to be in a state of insurrection, and had taken military possession, have the legal effect to suspend the writ of *habeas corpus* in that county? If so, the prisoner takes nothing by either motion; if otherwise, it will become necessary to give them further consideration.

It was insisted by the counsel of the prisoner that the Governor's reply is no part of this proceeding, and cannot be noticed. In my opinion it forms a part of the proceeding to the extent of the avowal of the orders given to Colonel Kirk (that is in direct response to my inquiry), and of the fact that, in the exercise of the power conferred on him, he had declared the county of Alamance to be in a state of insurrection—taken military possession and ordered the arrest and detention of the petitioner, as a *military* prisoner; the action of His Excellency is relevant, for, if the privilege of the writ of *habeas corpus* be suspended, the writ now sued for ought not to be awarded—(*ex parte Tobias Watkins*, 3 *Peters*, 163. The Chief-Justice says: "The writ ought not to be awarded, if the Court is satisfied that the prisoner would be remanded." This case is cited and approved. (*Ex parte Milligan*, 4 *Wallace*, 111.)

His Excellency was also pleased to set out some of the special facts that satisfied him that the civil authorities of the county were unable to protect its citizens in the enjoyment of life and property; it is not mine to pass upon these facts or judge of their sufficiency.

to put himself in collision with Governor Holden or his agents. Much popular odium was visited upon him, and lawyers who differed with him in the matter of his duty were too much swayed by party feelings to appreciate the lofty determination of a Judge who could deliberately assume an unpopular position in the discharge of what he probably felt was his duty. Nothing is clearer than the doctrine that a Court has no power to coerce a co-ordinate branch of the government. Governor Holden had

Mr. Badger, of counsel for His Excellency, relied on the Constitution. "The Governor shall be commander-in-chief, and have power to call out the militia to execute the law, suppress riots or insurrections and to repel invasion."—Article XII, Sec. 3, and on the statute, 1869-'70, Chapter XXVII, Section 1—"The Governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the State, to such an extent as may become necessary to suppress the insurrection;" and he insisted:

1. This clause of the Constitution and the statute empowers the Governor to declare a county to be in a state of insurrection, whenever, in *his judgment*, the civil authorities are unable to protect its citizens in the enjoyment of life and property. The Governor has so declared in regard to the county of Alamance, and the judiciary cannot call his action in question or review it, as the matter is confided solely to the judgment of the Governor.

2. The Constitution and this statute confers on the Governor all the powers "necessary" to suppress the insurrection, and the Governor has taken military possession of the county and ordered the arrest and detention of the petitioner as a *military prisoner*. This was necessary, for, unlike other insurrections, it is not open resistance, but a novel kind of insurrection, seeking to effect its purpose by a secret association spread over the country, by scourging and other crimes committed in the dark, and evading the civil authorities, by masks and fraud, perjury and intimidation; and that—

It follows, that the privilege of the writ of *habeas corpus* is suspended in that county until the insurrection be suppressed.

I accede to the first proposition; full faith and credit are due to the action of the Governor in this matter, because he is the competent authority, acting in pursuance of the Constitution and the law. The power, from its nature, must be exercised in the Executive, as in case of invasion or open insurrection. The extent of the power is alone the subject of judicial determination.

As to the second, it may be that the arrest and also the detention of the prisoner is necessary, as a means to suppress the insurrection. But I cannot yield my assent to the conclusion: the means must be *proper* as well as neces-

avowed that Kirk was acting in accordance with his orders. Kirk might be reached by superior physical force in the shape of a Sheriff's *posse comitatus*. Probably a day's notice to the effect that Chief-Justice Pearson wanted help to vindicate the law would have ensured the swift destruction of Kirk and all his force. It would have been beyond any man's power to have controlled the excited people had they at that time been assembled under the forms of the law, and put in motion against the

sary, and the *detention* of the petitioner as a military prisoner, is not a proper means. For it violates the declaration of rights. "The privilege of the writ of *habeas corpus* shall not be suspended.—*Constitution, Art. I, Sec. 21.*

This is an *express* provision, and there is no rule of construction or principle of constitutional law by which an express provision can be abrogated and made of no force by an *implication* from any other provision of the instrument. The clauses should be construed so as to give effect to each and prevent conflict. This is done, by giving to Art. XII, Sec. 3, the effect of allowing military possession of a county to be taken and the arrest of all suspected persons, to be made by military authority, but requiring by force of Art. I, Sec. 21, the persons arrested, to be surrendered for trial, to the civil authorities on *habeas corpus*, should they not be delivered over without the writ.

This prevents conflict with the *habeas corpus* clause and harmonizes with the other articles of the "declaration of rights," trial by jury, &c., all of which have been handed down to us by our fathers, and by our English ancestors, as great fundamental principles, essential to the protection of civil liberty.

I declare my opinion to be, that the privilege of the writ of *habeas corpus* has not been suspended by the action of his Excellency; that the Governor has power under the Constitution and laws to declare a county to be in a state of insurrection, to take military possession, to order the arrest of all suspected persons and to do all things necessary to suppress the insurrection, but he has no power to disobey the writ of *habeas corpus*, or to order the trial of any citizen, otherwise than by jury. According to the law of the land, such action would be in excess of his power.

The judiciary has power to declare the action of the Executive as well as the acts of the General Assembly, when in violation of the Constitution, void and of no effect. Having conceded full faith and credit to the action of His Excellency, within the scope of the power conferred on him, I feel assured he will in like manner give due observance to the law as announced by the Judiciary. Indeed he cannot refuse to do so, without taking upon himself the responsibility of acting on the extreme principle, "The safety of the State is the supreme law." I will venture to hope, as evil as the times may be, our

vile and atrocious Tennesseean, who so insolently executed the will of his employers. Providence is always wiser than human counsels. When public and private liberty was thus seemingly lost in North Carolina after so much toil and blood in its long vindication in the past; when the interference of Federal power had apparently made slaves of the very people who had for two centuries been the peculiar instruments of its preservation, that very intrusive, foreign interference which had made possible the

country has not yet reached the point, when a resort to extreme measures has become a public necessity.

II. The motion for an attachment against Colonel Kirk is based on the *habeas corpus* act, Acts 1868-'69, Chap. 116, Sec. 15. "If any person on whom a writ of *habeas corpus* is served, shall refuse or neglect to obey the same by producing the body, &c., within the time required, and *no sufficient cause be shown*, it shall be the duty of the Judge or Court forthwith to issue an attachment against such person, to the Sheriff of any county of the State, commanding him immediately to arrest such person and bring him before the Judge or Court, and such person shall be committed to jail, until he shall make return to the writ and comply with any order that may be made in *relation to the party* for whose relief the writ shall have been issued."

Colonel Kirk has refused to make return. The question is, do the facts before me "show a sufficient excuse?" The affidavit sets out that Colonel Kirk put his refusal on the ground that he had orders from his commander-in-chief, who is the Governor of the State, not to obey the writ. His Excellency avows that Colonel Kirk was acting under his orders. So, we have this case: Colonel Kirk is commanded by the Chief-Justice to produce the body. He is ordered by his commander-in-chief not to obey the writ. What was the man to do? He elected to obey his orders. In my opinion, there was sufficient excuse for refusing to return the writ. The motion is not allowed.

The act in question does not rest on the idea of punishing for a *contempt of the Judge or Court*, but of compelling a return to the writ, and the production of the body. It is a substitute for the provision in "the old *habeas corpus* act," which punished the officer or person refusing or neglecting to make due return, "upon conviction by indictment," with a fine of \$500 for the first offence, of \$1,000 and incapacity to hold office, for the second. The late act is an improvement upon the former, by substituting the speedy remedy of attachment in place of indictment, and the severe punishment of imprisonment in place of fine. Both acts are evidently intended to punish for not making return, and the last is also intended for the immediate relief of the party in whose behalf the writ is issued. The motion of punishment for a contempt of the Judge or Court is not involved in either act, certainly not in that of 1868-'69; that is provided for by "the contempt act" (same session). The proceeding

agony and danger of the hour was to afford an opportunity of hope and deliverance. When Judge Pearson, through a high and devoted sense of duty to his convictions, and alas! possibly for worse motives, had left hundreds of his fellow-citizens to the tender mercy of the East Tennessee cut-throats, and the strong arm of the law had become paralyzed and the "North Carolina Judiciary exhausted;" in the infinite possibilities of chance and occasion, Andrew Johnson, as an oblation for other mistakes, had

is, by a rule to show cause, why an attachment should not issue. And yet I was urged, with much vehemence, by learned and aged counsel, to rule Colonel Kirk up for a contempt of the Chief-Justice in this: The affidavit of service sets out that Colonel Kirk, when the writ was served, said, "tell them such things are played out; I have my orders from Governor Holden, and shall not obey the writ." "I will surrender them on Governor Holden's order, but not otherwise, unless they send a sufficient force to whip me." This, as was well said by Mr. Badger, is the language of a rude soldier, and not as courteous as we usually find in judicial proceedings. The motion for a rule to show cause for this contempt is not pertinent to the matter now on hand. The evidence on which it rests comes in a questionable shape—extraneous matter put into an affidavit of service to excite prejudice, and the motion made at the instance of one who is under arrest for the horrid crime of murder by midnight assassination! At a time when, as Mr. Bragg feelingly remarked, "we are in the last ditch, we look to the Judiciary as our only hope. If that fails us, the country is gone! gone! gone!" I do not feel it to be my duty to leave grave matters, and then turn aside, to put a rule on a rude soldier to show cause for making a flippant speech. I will be borne out by every member of the profession in saying, during the thirty-five years I have had the honor of a seat on the Bench, I have never been slow to punish for contempt and preserve the dignity of the Court, when I believe there was an intent to assail it. I know my duty and trust I have firmness to discharge it. These remarks seem called for because of the earnestness with which the motion was pressed in language more courtly but fully as strong as that used by the rude soldier, and the excited manner in which I was reminded of my duty, and exhorted to perform it; nay, the oath of office was read to me, and I had the benefit of hearing read much of the lofty language of Lord Mansfield.

III. The motion for a precept directed to the Sheriff of some county to bring the petitioner forthwith before me, and if necessary, to take with him the power of the county, is based on the seventeenth and eighteenth sections of the *habeas corpus* act. "The Court or Judge may direct a precept to any Sheriff, coroner or other person to be designated therein, commanding him to bring forthwith before such Court or Judge the party (wherever to be found), for whose benefit the writ of *habeas corpus* shall have been granted." "In the

provided a deliverance for North Carolina and probably the nation.*

George W. Brooks had been for a quarter of a century preceding his appointment as United States District Judge for North Carolina, an attorney of respectability in the courts of the Albemarle Judicial District. With no pretensions to eloquence or unusual learning in his profession, he was known as a quiet and reputable gentleman, and was thoroughly respected as a man by

*NOTE.—To the man who will bring a small store of philosophy and judgment to the investigation, it is apparent that the plot developed in North Carolina in July, 1870, was but the first step in a gigantic *coup d'état* against the liberties of the American people. Governor Holden, beyond doubt, had the full assent of General Grant to all he attempted. The testimony of Richard C. Badger shows that John Pool, then United States Senator, and in high favor with the President, had been to Raleigh arranging the whole plot of the arrests and subsequent courts-martial. Mr. Badger's high character, intelligence and Republican affiliations compel credit to his startling disclosures. It seems that even a Court-martial, composed of W. D. Jones, C. S. Moring, W. R. Albright, H. M. Ray, J. W. Hardin, Robert Hancock and six such men as Kirk should designate, were not to have the exclusive disposal of hundreds of the people; for one McDonald Lindsay, who had shortly before been indicted for piracy, was recommended on that occasion, as a proper custodian to "lose" the prisoners.* Had the scheme worked in North Carolina, it would probably have been the rule in all other States.

execution of this writ the Sheriff or person designated may call out the power of the county."

The petitioner is entitled to this writ; the only question is, to whom should it be directed. The motion is that it should be directed to the Sheriff of some county.

I have considered the matter fully, and have come to the conclusion not to direct it to a Sheriff. The act gives a discretion. In the present condition of things, the counties of Alamance and Caswell are declared to be in a state of insurrection and occupied by military forces, and the public mind feverishly excited; it is highly probable, nay, in my opinion, certain, that a writ in the hands of a Sheriff (with authority to call out the power of the county), by which he is commanded with force, if necessary, to take the petitioner out of the hands of the military authorities, will plunge the whole State into civil war.

*Holden to Kirk, August 3d, 1870.

his associates at the bar. When it was found that Judge Pearson would take no steps to liberate Kirk's prisoners beyond the bare issue of a writ of *habeas corpus*, in the grief and despair of the hour, as the last and only possible human means of relief, General Matt. Whitaker Ransom of Northampton, was induced to visit Judge Brooks, with the slight hope that he would find it consistent with his sense of duty to intervene in behalf of the men held in durance by Kirk. Under the Judiciary Act of 1790,

If the Sheriff demands the petitioner of Colonel Kirk, with his present orders, he will refuse, and then comes war. The country has had war enough. But it was said by the counsel of the petitioner, "if in the assertion of civil liberty, war comes, let it come! The blood will not be on your hands or on ours; it will be on all who disregard the sacred writ of *habeas corpus*. Let justice be done if the heavens fall."

It would be to act with the impetuosity of youth and not with the calmness of age to listen to such counsels. "Let justice be done if the heavens fall," is a beautiful figure of speech, quoted by every one of the five learned counsel. Justice must be done, or the power of the Judiciary be exhausted, but I would forfeit all claim to prudence, tempered with firmness, should I, without absolute necessity, add fuel to the flame, and plunge the country into civil war, provided my duty can be fully discharged without that awful consequence. Wisdom dictates, if justice can be done, "let heaven stand." Unless the Governor revokes his orders, Colonel Kirk will resist; that appears from the affidavit of service.

The second branch of the motion, that the power of the county be called out if necessary, to aid in taking the petitioner by force out of the hands of Kirk, is as difficult of solution as the first.

The power of the county, or "*posse comitatus*," means *the men of the county in which the writ is to be executed*: in this instance Caswell, and that county is declared to be in a state of insurrection. Shall *insurgents* be called out by the person who is to execute the writ, to join in conflict with the military forces of the State?

It is said a sufficient force will volunteer from other counties; they may belong to the association, or be persons who sympathize with it. But the "*posse comitatus*" must come from the county where the writ is to be executed; it would be illegal to take men from other counties. This is settled law; shall illegal means be resorted to in order to execute a writ?

Again; every able-bodied man in the State belongs to the militia. The Governor is, by the Constitution, "commander-in-chief of the militia of the State," Art. III, Sec. 8. So the power of the county is composed of men who are under the command of the Governor; shall these men be required to violate, with force, the orders of their commander-in-chief, and do battle with

so watchful had been the great lawyers of that day as to marking the boundaries of State and Federal jurisdiction of the courts, that there was no possibility of a United States District or other Federal Judge to have for a moment contended that he had a shadow of pretence to jurisdiction. But just previously the Republican party in Congress, with the intent to control the action of State courts in matters where Southern negroes should be indicted, passed a statute which so enlarged the previous power of Federal Judges that in cases of applications for writs of *habeas corpus*, a very large discretion was lodged in their keeping. And thus, "vaulting ambition e'er o'erleaps itself." A statute framed with the exclusive idea of benefit to African offenders became the safe-guard of a prostrate State. Judge Brooks

his other forces that are already in the field? In short, the whole physical power of the State is, by the Constitution, under the control of the Governor; the Judiciary has only a moral power; by the theory of the Constitution there can be no conflict between these two branches of the government.

The writ will be directed to the Marshal of the Supreme Court, with instructions to exhibit it, and a copy of this opinion to His Excellency, the Governor. If he orders the petitioner to be delivered, well; if not, following the example of Chief-Justice Tany, in *Merriman's case*, *Annual Cyclopaedia*, for the year 1861, page 555, I have discharged my duty; the power of the Judiciary is exhausted, and the responsibility must rest on the Executive.

PEARSON.

The following is the order of the Chief-Justice, to the Marshal:

To David A. Wicker, Marshal to the Supreme Court:

You are hereby commanded, in the name of the State of North Carolina, forthwith to bring Adolphus G. Moore, wherever to be found, before me, Richmond M. Pearson, Chief-Justice of the Supreme Court, at the room of the Supreme Court in the city of Raleigh.

Herein fail not, have there this writ and make due return.

R. M. PEARSON,
Chief-Justice Supreme Court.

INSTRUCTION:—You will wait upon his Excellency, the Governor, exhibit to him this writ, and a copy of the opinion in Moore's case, and make due return to me.

R. M. PEARSON,
Chief-Justice Supreme Court.

and General Ransom were satisfied of the full competency of the Federal courts to interfere under the new statute, but there were not wanting lawyers of the first respectability and devoted in their Southern attachments, who denied the right of Judge Brooks to intervene. He was firm in his belief that under the act of 1867, Congress had made it his duty to issue the writ of *habeas corpus*, whenever, upon properly drawn papers, it was alleged "that a person was held in violation of the Constitution or laws of the United States." Judge Brooks left Elizabeth City, where he had been when consulted by General Ransom, and went to Raleigh. There he was waited upon at the National Hotel by Governor Holden and certain of his staff, in their uniforms. His Excellency enquired of Judge Brooks as to his intentions in the rumored interference with the course pursued by Holden and his abettors. Judge Brooks told the Governor that just so soon as counsel should present properly drawn papers he should issue the writs and have them served by United States Marshal Carrow. The Governor remonstrated, but the Judge was firm in his determination to do what he felt was his duty. He was told that bloodshed and civil strife would result from his interference, but that same day, the memorable 6th of August, his name was affixed to the orders which required George W. Kirk, within ten days to have the men he had been for weeks holding as prisoners, before His Honor at Salisbury. A. T. Ackerman, then Attorney-General of the United States, came from Washington in the meantime, and approved the course pursued by the Judge of the District Court. Dismay and confusion came upon the scheme of those who had thus so rudely invaded the hallowed precincts of public and private liberty. The authorities at Washington were appealed to by Governor Holden by telegraph, in the words that follow:

[TELEGRAM.]

STATE OF NORTH CAROLINA,

EXECUTIVE DEPARTMENT,

Raleigh, August 7th, 1870.

To the President of the United States:

SIR:—The Chief-Justice of the Supreme Court of this State, sustained by his Associate Justices, has decided that I have right to declare counties in a state of insurrection and to arrest and hold all suspected persons in such counties. This I have done.

But the District Judge, Brooks, relying on the Fourteenth Amendment and the act of Congress of 1867, page 385, chapter 28, has issued a writ of *habeas corpus*, commanding the officer, Kirk, to produce before him the bodies of certain prisoners detained by my order.

I deny this right thus to interfere with the local laws in murder cases. I hold these persons under our State laws and under the decision of our Supreme Court Judges, who have jurisdiction of the whole matter, and it is not known to Judge Brooks in what manner or by what tribunal the prisoners will be examined and tried.

The officer will be directed to reply to the writ that he holds the prisoners under my order and that he refuses to obey the writ. If the Marshal shall then call on the *posse committatus* there may be a conflict; but if he should call first on the Federal troops, it will be for you to say whether the troops shall be used to take the prisoners out of my hands.

It is my purpose to detain the prisoners unless the army of the United States, under your orders, shall demand them.

An early answer is respectfully requested.

W. W. HOLDEN,
Governor.

[TELEGRAM.]

WASHINGTON, 1870.

Gov. W. W. Holden:

In connection with your telegram, August 7th, to the President, the Attorney-General submitted the following:

ATTORNEY-GENERAL'S OFFICE,
Washington, August 8th, 1870

I do not see how the United States District Judge can refuse to issue the writ if the petition makes out a case for it under the *habeas corpus* act of 1867, 14 statutes, 385. If the return uncontroverted, or the facts appearing on proof to the Judge after a denial by the petitioner, show the arrests to have been under lawful State authority, he will remand the prisoners. In determining whether the laws of the State authorize the first he will respect the decisions

of the State Judge. I advise that the State authorities yield to the United States Judiciary.

(Signed)

A. T. ACKERMAN,
Attorney-General.

The President directs me to communicate to you the foregoing opinion of the Attorney-General.

WM. W. BELKNAP,
Secretary of War.

STATE OF NORTH CAROLINA,
ADJUTANT-GENERAL'S OFFICE,
Raleigh, August 11th, 1870.

SPECIAL ORDERS, }
No. 14. }

Colonel G. W. Kirk, Commanding 2nd Regiment N. C. S. T., will parole all his prisoners, in whose honor he can confide, to report to him at Company Shops at 10 o'clock A. M., on the 15th instant. He will also take the necessary steps to secure the attendance of all witnesses at this time.

Colonel Kirk will leave one hundred picked men, under competent officers, at Yanceyville, and move the rest of his command, with baggage, to Company Shops, *taking special care* that his prisoners are not maltreated or abused.

By command of Gov. Holden:

A. W. FISHER,
Adjutant-General.

A disturbing force which had not been calculated upon in the scheme of wholesale imprisonment, had thus rudely marred all chances of success. General Grant and the authorities in Washington dared not dishonor the national judiciary as had been the case in North Carolina. Attorney-General Ackerman had said the law must be vindicated.* Judge Pearson, backed by his Associates on the State Supreme Court Bench, had also declared that the Governor had the right to declare counties in a state of insurrection and thus hold as prisoners such a community despite the process of the courts. The question was, who was "carrying out the law"—Holden, who seized without warrant, or Brooks, who intervened under the Fourteenth Amendment and

*NOTE.—Ackerman, when a young man, had taught school in Murfreesboro, and is yet remembered in that village. He was living in Georgia in 1869, and had been a Confederate soldier.

the act of 1867. Before the trial could occur at Salisbury, the following memorable correspondence took place:

STATE OF NORTH CAROLINA,

EXECUTIVE DEPARTMENT,

Raleigh, August 15th, 1870.

To the HON. R. M. PEARSON, *Chief-Justice Supreme Court of North Carolina*:

DEAR SIR:—In my answer to the notices served upon me by the Marshal of the Supreme Court, in the matter of Adolphus G. Moore and others, *ex parte*, I stated to your Honor that at that time the public interests forbade me to permit Colonel George W. Kirk to bring before your Honor the said parties; at the same time I assured your Honor that as soon as the safety of the State should justify it, I would cheerfully restore the civil power, and cause the said parties to be brought before you, together with their caption and detention.

That time has arrived, and I have ordered Colonel Geo. W. Kirk to obey the writs of *habeas corpus* issued by your Honor. As the number of prisoners and witnesses is considerable, I would suggest to your Honor that it would be more convenient to make return to the writs to the capitol in Raleigh. Col. Kirk is prepared to make return as soon as your Honor shall arrive in Raleigh.

With great respect,

Your obedient servant.

W. W. HOLDEN,

Governor.

RALEIGH, AUGUST 18th, 1870.

To His Excellency, Gov. HOLDEN:

DEAR SIR:—Your communication of the 11th inst., was handed to me by Mr. Neathery.

I will be in the Supreme Court room at 10 o'clock A. M., 19th inst., to receive the return by Col. Kirk, of the bodies of A. G. Moore and others (in whose behalf writs of *habeas corpus* have heretofore been issued by me), together with the cause of their arrest and detention.

Receiving the return after the delay to which you allude of several weeks, is not to be taken as concurring, on my part, in the necessity for delay, or as assuming any portion of responsibility in regard to it. The entire responsibility rests on you. I was unwilling to plunge the State into a civil war, upon a mere question of time.

With great respect,

Your obedient servant,

R. M. PEARSON, *J. S. C.*

And thus melted into thin air the threat of bloodshed made by His Excellency to Judge Brooks. He had distinctly avowed

his purpose to try the prisoners by court-martial, and the material of that court had been already selected. In his letter to Kirk, he had been told that he should enjoy the extraordinary honor of nominating six of the thirteen members. This single fact, coupled with the Governor's letter to General Grant, would indicate a bloody disposition toward the men imprisoned. He wrote on March 10th:

I cannot rely upon the militia to repress these outrages, for the reason that, in the localities in which these outrages occur, white militia of the proper character cannot be obtained, and it would but aggravate the evil to employ colored militia. Besides, the calling out of militia would be greater than our people could well bear in their present impoverished condition. Federal troops inspire terror among evil-doers, and they have the confidence and respect of a majority of our people. We, therefore, look to and rely on the Federal government to aid us in repressing these outrages, and in restoring peace and good order.

If Congress would authorize the suspension, by the President, of the writ of *habeas corpus* in certain localities, and if criminals could be arrested and tried before military tribunals, and shot, we should soon have peace and order throughout all this country. The remedy would be a sharp and a bloody one, but it is as indispensable as was the suppression of the rebellion.

I trust, sir, that you will issue to the Commanding General of this department as stringent orders in this matter as the present law will allow. The Commanding General has been prompt to respond, to the extent of the power which he has, but I fear this power will not be adequate to effect the desired result.

Judge Brooks had issued his writs on the 6th day of August. Under the statute regulating the service of such process, he could allow ten days to the party upon whom the notice was served for appearance before him at Salisbury. On the 18th Colonel Kirk was present at that place. A great mass of eager and aggrieved men had assembled to watch the course of events. Kirk went before the Judge in the court-house, attended by a portion of his armed men. He was asked by Judge Brooks for his reasons for such escort. He replied that he feared the violence of the people and sought protection in the presence and muskets of his men. He was told to send his troops from the court and look to Marshal Carrow for protection. He

complied, and then applied for delay of another day before making his return to the writs of *habeas corpus*. This was granted him and an adjournment followed. After five weeks of agonizing suspense to the many prisoners, their friends and the white people of North Carolina, a day of deliverance had at last arrived. Judge W. H. Battle, one of the counsel for the prisoners, reported the case, and the following is from page 66 of that work :

On the 19th the returns were made,* in which the cause assigned for the caption was that the parties were arrested by the orders of Gov. Holden, for the commission of various offences. As each party was called, his counsel, Messrs. Graham, Bragg, Merrimon and W. H. Battle, moved for his discharge. This was opposed by the counsel for the Governor, Messrs. Boyden, Bailey, Blackmer and McCorkle, who acknowledged that they had no evidence to sustain their charges, but asked a continuance of the cause that they might procure it. His Honor remarked that Col. Kirk had delayed the return ten days, the longest time allowed by the law, and then had applied for and obtained a day longer, and no further indulgence could be given. All the parties were then, one by one discharged, and the orders of discharge were subsequently filed, of which the following is a specimen :

IN THE MATTER OF } *Habeas Corpus*,
L. M. TOTTEN. } At Chambers, 23rd Aug., 1870.

It appears to me, that the petitioner has been arrested, and is still detained without any warrant or authority whatever, and no evidence is produced to show that he has committed any offence, and that he is deprived of his liberty in violation of the Constitution of the United States. It is therefore, by me, considered that the petitioner be discharged from the unlawful custody of the respondent, and that he go without delay ; and that the respondent, George W. Kirk, pay the costs in this behalf, to be taxed by the Clerk of the Cape Fear District in the District of North Carolina. The Clerk of the said District Court at Wilmington, will file the papers in this case with the records of his office.

G. W. BROOKS,

Judge District Court.

After the discharge of the prisoners, a motion was made to His Honor, founded upon the following affidavits, as well as upon those of Thomas C. Evans and William Patten, for a warrant against Lt. Col. G. B. Burgen, to compel him to give security to keep the peace. A motion was also made to attach Col. Kirk for taking certain of his prisoners to Raleigh, to be surrendered to C. J. Pearson, instead of returning them to this place, before Judge Brooks.

UNITED STATES OF AMERICA
DISTRICT OF NORTH CAROLINA.

Lucian H. Murray being duly sworn, deposeth and saith, that he is a citizen of the United States, and of the State of North Carolina, residing in the town of Graham, in the county of Alamance in said State; that he belongs to no military organization, and is in no manner subject to military law, but that his occupation is that of a clerk and salesman in a retail store in said town, of Bason & Son; that he is a native of and has, all his life, resided in the said county of Alamance, and is now of the age of twenty-seven years. That on the 27th of July last, being informed that a guard of soldiers from the camp of G. W. Kirk, at Company Shops, had been to his place of business to arrest this affiant, while he was absent therefrom, he went to the said camp and reported himself to one G. B. Burgen, who claimed to be Lieutenant Colonel under said Kirk, in the command of a regiment which they called "State Troops;" that said Burgen immediately ordered this affiant to be put under guard and detained in said camp as a prisoner. This affiant was placed in a tent with two other persons, also prisoners; and in the night succeeding, about 1 o'clock A. M., the said Burgen came to the tent with a candle, and addressed affiant, who was awake, asking, "Is that you, Murray?" to which affiant replied, "Yes." Said Burgen then retired to his own tent, and shortly afterwards came back without a light and touched this affiant upon his feet, and in a low tone of voice ordered him "to get up," the other two prisoners being apparently asleep. This affiant replied, "Very well, can I get my shoes?" The said Burgen answered "no, you will not need them long." He then took this affiant to his own tent, where there were three of his men armed with pistols, the said Burgen then said to this affiant that "he must tell him all about the hanging of Wyatt Outlaw." This affiant replied, that he knew nothing about it, and that he did not know that Outlaw had been hanged till after sunrise the morning after it was done. The said Burgen replied, "it is a damned lie, I know that you do," and proceeded to say, that there was an affidavit filed in his office against this affiant, stating that he, this affiant, had seen Outlaw hanged by one Adolphus Moore. This affiant replied, it was false, that he knew nothing about it—the said Burgen put a rope around the neck of this affiant and said, "Patten and Rogers (alluding to two others of his prisoners) knew nothing about it till they were hung up, and they could then tell all about it, and you must do the same." He then took this affiant to a tree, about fifty yards from his tent, with the three armed men aforesaid, threw the end of the rope, still on this affiant's neck, over a branch of the tree, and having already tied this affiant's arms in the manner usual with criminals about to be executed, he, the said Burgen, drew the rope and swung this affiant up by the neck. After suspending him for a short time, he was let down, the said Burgen asked him if he would confess then, this affiant replied, that he knew nothing to confess. The said Burgen and his men, aforesaid, then presented their pistols at this affiant's breast and threatened to blow his heart out

if he did not confess. This affiant still refusing to make the admission demanded, the said Burgen seized the rope and again hoisted this affiant from the ground, more roughly than before, and suspending him longer, upon being let down this affiant was unable to speak for some time. The said Burgen then said, "now confess that you saw Moore." Affiant replied, he could not do it. Said Burgen replied, "you must acknowledge it or die," and said to one of his men, "Sergeant, hang him up to that tree and let him hang till 8 o'clock in the morning, then cut him down and bury him under the tree." After other conversation and threats of killing this affiant, the said Burgen said to this affiant, "I will now give you until to-morrow night, and if you don't confess then, I will kill you dead." Affiant replied, "I will never confess, for I have nothing to confess." This affiant was then taken back to his tent, aforesaid, after being charged to say nothing about what had occurred, and threatened with death if he divulged it. He was not tortured again, but has been held by the said Kirk as a prisoner, until brought to Salisbury before His Honor, Judge Brooks, on yesterday.

LUCIAN H. MURRAY.

Sworn and subscribed before me, this 19th of August, 1870.

WM. LARKIN,

Clerk U. S. District Court, District Cape Fear.

UNITED STATES OF AMERICA,
DISTRICT OF NORTH CAROLINA.

D. W. Weedon being sworn, deposeth and saith, that he is a citizen of the United States and of North Carolina, now residing and has always resided in the county of Alamance, in said State, that he is in no military organization, and in no way subject to military law.

That on or about the 23rd of July last, he, this affiant, was arrested by one B. G. Burgen, claiming to be Lieutenant Colonel of a body of armed men, called by him, North Carolina State Troops, encamped at Company Shops in said county, no cause being assigned for said arrest; and detained with sundry other citizens of the State, held also as prisoners by the said Burgen, and G. W. Kirk, who claimed to be Colonel of the said troops. That he was paroled at one time for two or three days, with an obligation to report to said Kirk at Yanceyville, when he again went into confinement with many other prisoners, that while thus confined in the upper room of the court-house at Caswell, upon seeing a soldier below carelessly handling a pistol, he, this affiant, remonstrated, that he might shoot some one. The soldier immediately replied with an oath, "I will shoot you," and fired his pistol, the ball passing near the head of this affiant. From this time forward this affiant seemed to have incurred the hostility of said Kirk and his officers, who cursed and maltreated him on divers occasions; that after the service, on said Kirk, of the writ in

this case, he went with this affiant and other prisoners to Graham, in Alamance county, and confined his prisoners, this affiant among them, in the court-house there, that on Tuesday afternoon of the present week, this affiant was taken by a Lieutenant and guard, of said Kirk, and carried to the common jail of said county, and there confined until Thursday, when, with the other prisoners aforesaid, he was brought to Salisbury. That on the morning after this affiant was committed to jail, a Lieutenant Banner, of the said troops, who seemed to be the keeper of the prisoners who had been committed to jail, placed an iron manacle on one of the legs of this affiant, above the ankle, to which was affixed a chain and staple, fastening it to the floor; that the said Banner riveted the manacle on the leg of this affiant in a very rough manner, giving to this affiant great pain in the operation; that he was kept thus ironed until taken from the jail aforesaid, to be carried to Salisbury before His Honor, Judge Brooks. That this affiant was never informed of any charge against him, on which he was arrested and confined, and had done nothing to provoke the cruel usage aforesaid, to which he was subjected. That during all the time of this affiant's confinement in jail, he suffered for the want of water to drink; a small quantity of stale water in a canteen was placed by him soon after his commitment to jail, and none other furnished to him during his confinement, he asked for water several times, and it was refused, and he was cursed in every instance. When food was sent to him by the citizens of Graham, the guard threw it to him on the floor of the jail, and forbid him to use a knife, fork or spoon, presenting their pistols in his face and threatening to shoot him at the same time.

D. W. WEEDON,

Sworn and subscribed this 19th of August, 1870, before me.

WM. LARKINS,

Clerk U. S. District Court, District Cape Fear.

The condition of the State was frightful. The Democrats were being hunted down and locked up in loathsome prisons, with no prospect of release. Prominence of leaders, however blameless the parties might be in action, seemed suddenly to have forfeited all claim to protection. Resistance by force was out of the question. The people well understood that nothing could be more satisfactory to General Grant than sending down re-inforcements to crush out such a movement. Not an officer, judicial or executive, belonging to the State government, could be found to afford any hope of succor. They were all parties to a plot for political victory or they had resolved to destroy the very semblance of individual liberty. Charity would impute the smaller of these offenses, and yet so long as freedom shall

exist in the world, nothing but condemnation will be awarded by dispassionate men to the authors and abettors of this wickedness and treason to the State of their births. Governor Holden, Senator John Pool and Chief-Justice Pearson probably simply proposed by Kirk's army to strike terror into their political opponents, to imprison for a while and execute by court-martial the boldest of the Southern leaders, and in this way avert the crushing defeat they had reason to apprehend was in store for the Republican party in North Carolina.

The Conservatives were neither prophets to read the future, nor had they any revelation as to the extent and duration of the persecution so ruthlessly inaugurated against them.

The whole scheme of vengeance and oppression vanished into thin air. The general government had only been felt in North Carolina since the surrender through its exactions and insults. Judge Brooks had atoned for a multitude of its wrongs. If in reconstruction had been provided the possibility of this outrage, still in a Federal Judge was found safety and deliverance. It was the blackest hour in all our history, and will probably, like some danger of the seas, avert by the story of its shipwreck, the possibility of a repetition of a most insane and wanton attack upon the liberties of the people.

Governor Holden seemed to have overawed the North Carolina Judges, but he and his mission, Kirk, at once yielded to the orders of Judge Brooks. Hardly the pretense of crime was set up as the reason for the late imprisonment of the sufferers, and they were liberated amid the unspeakable gratification of relieved multitudes. So far from intimidating his political enemies, the misguided Governor had immensely strengthened their cause. Judge Shipp received the position of Attorney-General by a popular vote of eighty-seven thousand six hundred and forty-eight in the State; being a gain of more than fourteen thousand votes upon the strength of Thomas S. Ashe in the election two years before. Mr. Phillips was defeated by four thousand two hundred and twenty-one majority, and the General Assembly stood thirty-three Democrats to seventeen Republicans in the Senate,

and seventy-six Democrats and forty-four Republicans in the House.

Amid the excitement, dismay and final exultation of 1870, the people of North Carolina bestowed but small attention upon the progress of the war between France and Prussia. It about equaled in duration our political campaign, but in those crowded months the most warlike people of Europe, with all their great armies, had been crushed in the field, and subjected to a thrall-dom akin to that of our own Southern people.

Changes in North Carolina's Congressional delegation consequent upon the election of 1870, were also marked in their character. In the First District John R. French had been replaced as the nominee of his party by Clinton L. Cobb of Pasquotank. In the Second, David Heaton, who died June 25th, was succeeded by C. R. Thomas, late Judge of the Third District. A. M. Waddell of New Hanover, defeated O. H. Dockery for the Third District. James M. Leach took the place of I. G. Lash in the Fifth. In the Fourth Sion H. Rogers defeated John T. Deweese. In the Sixth, F. E. Shober who had succeeded Nathaniel Boyden, retained his place. In the Seventh, J. G. Harper replaced A. H. Jones. Of these but two were members of the Republican party, to-wit: Thomas and Cobb.

The Legislature met in November, and a prodigious change was manifested in many respects. In the Senate on the Democratic side, among those already prominent by past political service, were Dr. R. K. Speed of Pasquotank, Judge E. J. Warren of Beaufort, A. J. Dargan of Anson, and Colonel William A. Allen of Duplin. In the same body were Major L. C. Latham of Washington, Colonel J. T. Morehead of Rockingham, Major W. M. Robbins of Davie, and Colonel John A. Gilmer of Guilford. In the House Major Thomas Sparrow of Beaufort, R. P. Waring of Mecklenburg, Captain S. A. Ashe of New Hanover, and T. J. Jarvis of Tyrrel, were the leaders of that party. Captain Jarvis became Speaker and greatly extended his ascendancy in the State. The "Carpet-Baggers," so numerous in the last Legislature, had almost entirely disap-

peared, and R. F. Lehman, Senator from Craven, with John Renfrow, Representative for Halifax, lingered in either House as reminders of the dreadful past. As a general rule these cormorants had gorged themselves, and had fled from justice and the investigation of their crimes. Their head-centre, General Littlefield, had betaken himself to Florida, from which city of refuge no requisition on the part of North Carolina could subsequently remove him.

As the year closed in there was unspeakable gratification at the altered condition of affairs in North Carolina, and the large gains made by the friends of the South in the United States Congress. Whatever the sins of the Ku-Klux, they at least had delivered Southern society from the danger and nuisance of the Loyal League. When the night riders in hideous masks began their visitations the League dissolved as a summer cloud. Nothing would induce the superstitious negroes to give such occasion for visits from men who could double their altitude, or dry up a well in slaking their burning thirst. The struggle by this time for ascendancy by means of secret organizations was over, and the acts of violence were not unusual in number for flagrant in character, when Congress, at the dictation of General Grant, began its crusade against the Ku-Klux. The evil was already past, when Senators Edmunds and Pool assumed in Washington the necessity of action, and procured the passage of laws, which were to punish many innocent along with the guilty men. Mr. Pool was perhaps the real author of this movement, as he was of Kirk's raid. The Republican leaders, both of Washington City and Raleigh, were maddened with the result in North Carolina, and thirsted for vengeance on men whom they held responsible for the slow-coming deliverance of the Southern people.

The State had lost two distinguished citizens. John H. Bryan died in Raleigh, May 17th. He graduated at Chapel Hill in 1815, entered public life as Senator from Craven, defeating Governor Spaight, and without his solicitation and during his absence, he was elected to the United States Congress, where he

served through the administration of J. Q. Adams. Mr. Bryan withdrew from politics to devote himself to the law, in which he became eminent. Bedford Brown also died in Caswell, December 6th. Although a life-time advocate of State rights, he was bitterly opposed to secession. He had been elected to the last Legislature, but Congress had refused to remove his disabilities, and the patriot who had given in the United States Senate and elsewhere for more than a half century a noble and consistent public service, sank to his grave still under the ban.

NOTE.—Dr. Richard Henry Shield died February 16th, and in the same room in which he died, in a few days also departed his friend, Dr. John William Hutchings. These elegant and accomplished gentlemen had been both surgeons of North Carolina Cavalry Regiments, and were unsurpassed for their learning and character. They were bachelors, but left as many to deplore their taking off as if blessed with a numerous posterity. There was deeper grief, when it was known that, on October 12th, General R. E. Lee, the greatest and most magnanimous of the human race, had closed the noble epic of his life, and, amid the tears of his undone people, was sleeping secure and immortal at the village of Lexington.

CHAPTER XI.

A. D. 1870 TO 1873.

Impeachment of Governor Holden—Governors Bragg and Graham, and Judge Merrimon—Managers for the House—W. N. H. Smith and others for the defence—Incidents of the trial—Vengeance on the Ku-Klux—Judge Bond—Plato Durham—Discontent with the Canby Constitution—Convention proposed and voted down by the people—Negroes in political matters—Their terrorism over themselves—Death of Valandingham—Presidential election—General Grant—Horace Greeley—Governor Caldwell—Judge Merrimon—Republicans carry the State—Governor Vance elected to United States Senate—Western District and Judge Dick—Judges Jones and Pool resign—J. W. Albertson, W. A. Moore, N. Boyden, W. J. Clarke and W. P. Bynum, Judges—Death of Governor Bragg—Supreme Court and the Bar—Re-election of General Grant and death of Greeley—Chief-Justice Chase—Judge Merrimon, United States Senator—J. H. Mills and Orphan Asylum—Decoration of the soldiers' graves—Amendments of Constitution ratified by the people—Deaths of General Barringer and Weldon N. Edwards—General Grant and Senator Morton—The Northern mind revolts from their teachings—General Sheridan in Louisiana—Evidences of North Carolina's recuperation.

It was early seen after the meeting of the General Assembly in November, 1870, that a larger number of the Democrats were determined to call Governor Holden to a strict account for his conduct in the late troubles of Alamance and Caswell counties. Political vengeance upon defeated adversaries was long the habit of our English ancestors. Too often in the stormy years preceding that revolution of 1688, and for a long time afterwards, the overthrow of a ministry was the signal for flight in such men as Clarendon and Bolingbroke. The blood of Strafford, Algernon Sidney and Russell seemed shed in vain, when their compatriots lost reason and forgot justice in listening to the fabrications of such scoundrels as Titus, Oates and Dangerfield. America, with all its stormy contentions, even after the war among the States, has but to blush for the wasted blood of Henry Wirtz and Mrs. Surrat. The world waxes wiser with

the lapse of time. Neither here nor in foreign lands are political offenses punished as of old. But while mercy has thus wisely replaced the senseless dictates of vengeance, justice and future protection dictate the propriety of exacting some indemnity at the hands of those public men, who, in the possession of great positions of public trust, abuse the power committed to their keeping. Bills of attainder are no longer possible and trials for treason almost unknown, but impeachment for high crimes and misdemeanors in officials is by no means abolished.

The case of Governor Holden, like the murder of John W. Stephens, will always be a puzzle to the latest investigators of historical truth. If he and Judge Pearson conspired with General Grant to violently overawe and subdue the spirit of opposition in North Carolina against the aims and wishes of the Republican party, then he deserved all the punishment he received. On the other hand it is well to remember that he was sustained in his course by the men then constituting the Supreme Court of the State, and thereby largely excusable, had he attempted a lawful execution of the Shoffner Bill.

On December 9th, Frederick W. Strudwick of Orange, introduced in the House of Representatives, a resolution, "That William W. Holden, Governor of North Carolina, be impeached of high crimes and misdemeanors in office."*

This resolution was at once referred to the Judiciary Committee. This consisted of Thomas Sparrow of Beaufort, C. W. Broadfoot of Cumberland, Lee M. McAfee of Cleaveland, Samuel A. Ashe of New Hanover, John D. Stanford of Duplin, George A. Gregory of Martin, Henry T. Jordan of Person, John W. Dunham of Wilson, James G. Scott of Onslow, W. G. Welch of Haywood, David Settle of Rockingham, F. W. Strud-

*NOTE.—Mr. Strudwick is yet a lawyer of respectability and a descendant of an old Cape Fear family of which William Strudwick was the first in America. He was a member of the Royal Council for North Carolina and possessed a large estate. Frederick Strudwick's father was an eminent physician, who has lately most unfortunately lost his life, while in medical attendance upon this very son mentioned in the text.

wick of Orange, C. M. T. McCaulley of Union, and Thomas D. Johnston of Buncombe. They reported on the 18th, as follows:

That William W. Holden, Governor of North Carolina, unmindful of his oath of office, did in July last organize, arm and equip a military force not recognized by, but in subversion of, the Constitution of the State of North Carolina; which military force, so unlawfully organized, was not kept under subordination to and governed by the civil power, but was by the order of the said William W. Holden, Governor as aforesaid, made paramount to, and subversive of the civil authority.

That the said William W. Holden, Governor as aforesaid, did, in the month of July and August last, without lawful warrant and authority, and in defiance and subversion of the Constitution, arrest and imprison many of the peaceful and law-abiding citizens of the State, depriving them of their liberties and privileges, and certain of said citizens, so unlawfully arrested and imprisoned, did cause to be subject to cruel and unusual punishment.

That the said William W. Holden, Governor as aforesaid, denied to citizens unlawfully restrained of their liberty by his authority, all remedy to enquire into the lawfulness thereof, and in defiance of the Constitution, the laws, and the process of the courts, he suspended the privileges of the writ of *habeas corpus*, claiming that he was governed by a "supreme law" whereby he could deny the privileges of the said writ when, in his opinion, the safety of the State required it.

In the view of the matters herein set forth, combining historical facts with statements contained in public documents, and the records of the public departments and the courts, the undersigned members of the committee, who are a majority thereof, are of the opinion, that William W. Holden, Governor of the State of North Carolina, be impeached of high crimes and misdemeanors. They therefore recommend to the House the adoption of the accompanying resolution.

On the same day Mr. Strudwick's resolution was adopted by the House and at once ratified by the Speaker, Captain Thomas J. Jarvis. It was also

Resolved, That a committee of three be appointed to go to the Senate, and at the bar thereof, and in the name of the House of Representatives, and of all the people of the State of North Carolina, to impeach William W. Holden, Governor of the State of North Carolina, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same, and that the committee do demand that the Senate do take order for the appearance of said William W. Holden to answer to said impeachment.

Resolved, That a committee of seven be appointed to prepare and report articles of impeachment against William W. Holden, Governor of the State

of North Carolina, with power to send for persons, papers, and records, and to take testimony under oath.

The next day the Speaker assigned to Messrs. Strudwick, Welch and Sparrow, the duty of appearing before the Senate and demanding the impeachment of the Governor at the hands of that body. Major Sparrow, on the behalf of this committee of communication, informed the House upon their discharging the duty, that they had been to the bar of the Senate and there, in the name of the House of Representatives and of all the people of the State of North Carolina, they had impeached as directed by the action of the House, His Excellency, the Governor of North Carolina for high crimes and misdemeanors: that they had demanded of the Senate that an order should be made to cause the respondent to appear and answer for the charges to be preferred against him; and further that they had informed the Senate that the House of Representatives would soon present the articles of impeachment and make good the same in the hearing of that honorable body, to all of which the Senate replied, that they had received the message, would consider the same and take proper action thereon.

On December 19th, the House being in Committee of the Whole, with Mr. Strudwick in the chair, the following articles of impeachment were adopted:

ARTICLE I.

That by the Constitution of the State of North Carolina, the Governor of said State has power to call out the militia thereof to execute the laws, suppress riots or insurrection, and repel invasion, whenever the execution of the law shall be resisted, or there shall exist any riot, insurrection or invasion, but not otherwise: that William W. Holden, Governor of said State, unmindful of the high duties of his office, the obligation of his solemn oath of office, and the Constitution and laws of said State, and intending to stir up civil war, and subvert personal and public liberty, and the Constitution and laws of said State, and of the United States, and contriving and intending to humiliate and degrade the said State and the people thereof, and especially the people of the county of Alamance, and to provoke the people to wrath and violence, did, under the color of his said office, on the seventh day of March, in the year of our Lord one thousand eight hundred and seventy, in said State, of his own false, corrupt and wicked mind and purpose, proclaim and declare that the county of Alamance in said State, was in insurrection, and did, after

the days and times last aforesaid, send bodies of armed, desperate and lawless men, organized and set on foot without authority of law, into said county, and occupy the same by military force, and suspend civil authority, and the Constitution and laws of the State; and did, after the days and times last aforesaid, and before the time of impeachment in this behalf, through and by means of such armed, desperate and lawless men, arrest many peaceable and law-abiding citizens of said county of Alamance, then and there about their lawful business; and did detain, hold, imprison, hang, beat and otherwise maltreat and injure many of them, to-wit: Lucian H. Murray, George S. Rogers, William Bingham, Alexander Wilson, Walter Thornton, William Redding, Thomas M. Holt, George Andrews, John Andrews, Frederick Blanchard, Adolphus G. Moore, John Roberson, James N. Holt, William Tate, Alexander Patton, Jesse Grant, Lemuel Whitsett, Josiah Thompson, Sidney Steel, George Johnson, William Patton, Joseph Wright, Benjamin McAdams, Ruffin Andrews, Thomas Ray, Joseph Prichard, Lofton Tear, Joseph Thompson, Henry Cooke, William Andrews, M. N. Snaw, John Long, James H. Anderson, Joseph Gibson, Henry Prichard, Joseph Nelson, James R. Murphy, Jr., William Kirkpatrick, Thomas Gray, Jefferson Younger, Frank Mebane, Clement Curtis, John W. McAdams, William Moore, William Clendenden, D. W. Weeden, Daniel Moses, P. Thompson, David Moore, Monroe Fowler, Henry C. Hurdle, William Whitsett, Albert Murray, J. G. Moore, Joseph Kirkpatrick, W. V. Montgomery, John Trollinger, Jerry Whitsett, Calvin Gibson, John G. Albright, Robert Hannah, William Johnson, Henderson Scott, William Stockard, James Dickson, K. A. Albright, Thomas Lutterloh, John Grant, James Foust, John Curtis, A. Thompson, Robert Stockard, J. A. Moore, James T. Hunter, James S. Scott, John Smith, George Andrews, Milton Pickard, Henry Robertson, John R. Stockard, John Curtis and Joseph Stockard, when in fact and truth there was no such or any insurrection in said county of Alamance. And he, the said William W. Holden, Governor as aforesaid, well knew that such and said proclamation was groundless and false, and that there was no insurrection in said county, and that all civil authorities, both State and county, in said county, were peacefully and regularly in the full, free and unrestrained exercises in all respects, of the functions of their offices, and the courts were all open, and the due administration of the law was unimpeded by any resistance whatsoever, whereby the said William W. Holden, Governor as aforesaid, did then and there, and in the way and manner, and by the means aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said State, and the peace, interests and dignity thereof.

ARTICLE II.

That by the Constitution of the State of North Carolina the Governor of said State has power to call out the militia thereof to execute the law, suppress riots or insurrection whenever the execution of the law shall be resisted, or there shall exist any riot, insurrection or invasion, but not otherwise. That William W. Holden, Governor of said State, unmindful of the high duties of

his office, the obligations of his solemn oath of office and the Constitution and laws of said State, and intending to stir up civil war, and subvert personal and public liberty, and the Constitution and laws of said State and of the United States, contriving and intending to humiliate and degrade the said State and the people thereof, and especially the people of the county of Caswell in said State, and to provoke the people to wrath and violence, did, under the color of his said office, on the eighth day of July, in the year of our Lord one thousand eight hundred and seventy, in said State, of his own false, corrupt and wicked mind and purpose, proclaim and declare the county of Caswell in said State in insurrection, and did after the days and times last aforesaid, send bodies of armed, desperate and lawless men, organized and set on foot without authority of law, into the said county and occupy the same by military force and suspend the civil authority and the Constitution and laws of the State, and did, after the days and times last aforesaid, and before the time of impeachment in this behalf, through and by means of such armed, desperate and lawless men, arrest many peaceable and law-abiding citizens of said county of Caswell, then and there about their lawful business, and did detain, hold, imprison and otherwise maltreat and injure both of them, to-wit: John Kerr, Samuel P. Hill, William B. Bowe, Nathaniel M. Roane, Frank A. Wiley, Jesse C. Griffith, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancy Jones, J. M. Neal, Barzillai Graves, Robert Roane, James R. Fowler, M. C. Hooper, James C. Williamson and Peter H. Williamson, when, in fact and truth, there was no such or any insurrection in said county of Caswell, and he, the said William W. Holden, Governor as aforesaid, well knew that such and said proclamation was utterly groundless and false, and that there was no insurrection in said county of Caswell, and that all the civil authorities, both State and county, in said county, were peacefully and regularly in the full, free and unrestrained exercise in all respects of the functions of their offices, and the courts were all open and the due administration of the law was unimpeded by any resistance whatsoever, whereby the said William W. Holden, Governor as aforesaid, did then and there, and in the way and manner, and by the means aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said state, and the peace, interests and dignity thereof.

ARTICLE III.

That the said William W. Holden, Governor of the State of North Carolina, on the fifth day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Orange, in said state, did then and there unlawfully, and without any lawful warrant and authority, and in defiance and subversion of the Constitution and laws of said State, and in violation of his oath of office, and under color of his said office, incite, procure, order and command one John Hunnicutt and other evil disposed persons to assault, seize, detain and imprison and deprive of his liberty and privileges as a freeman and

citizen of said State, Josiah Turner, Jr., a citizen and resident of the county of Orange in the State aforesaid, and in pursuance of said indictment, procurement, order and command, the said John Hunnicutt and the evil disposed persons aforesaid did assault, seize, detain imprison and deprive of his liberty and privileges as a freeman and citizen of said county and State for a long time, to-wit: For the time of ten days and more, the said Josiah Turner, Jr., whereby the said William W. Holden, Governor as aforesaid, did then and there commit a high misdemeanor in office against the Constitution and laws of said State, and the peace, interests and dignity thereof.

ARTICLE IV.

That the said William W. Holden, Governor of the State of North Carolina, on the first day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Caswell in said State, did then and there unlawfully and without any lawful warrant and authority, and in defiance and subversion of the Constitution and laws of said State, and in violation of his oath of office, and under color of his said office, incite, procure, order and command one George W. Kirk, and one B. G. Burgen and other evil disposed persons, to assault, seize, detain and imprison and deprive of their liberty and privileges as freemen and citizens of said State, John Kerr, Samuel P. Hill, William B. Bowe and Nathaniel M. Roane, citizens and residents of the county of Caswell in the State aforesaid; and in pursuance of said incitement, procurement, order and command, the said George W. Kirk and the said B. G. Burgen, and the evil disposed persons aforesaid, did assault, seize, detain, imprison and deprive of their liberty and privileges as freemen and citizens of said county and State for a long time, to-wit: For the time of one month and more, the said John Kerr, Samuel P. Hill, William B. Bowe and Nathaniel M. Roane, whereby the said William W. Holden, Governor as aforesaid, did then and there commit and was guilty of a high misdemeanor in office against the Constitution and laws of said State and the peace, interests and dignity thereof.

ARTICLE V.

That the said William W. Holden, Governor of the State of North Carolina, heretofore, to-wit: in the months of June, July and August in the year of our Lord one thousand eight hundred and seventy, under color of his said office, unlawfully recruited, armed and equipped as soldiers, a large number of men, to-wit: five hundred men and more, and organized them as an army, and appointed officers to command, and use such armed men as he, the said William W. Holden, Governor, under color of his said office, might from time to time order and direct; that during the said months of June, July and August, he, the said William W. Holden, Governor as aforesaid, under color of his said office, placed a large number of said armed men under the immediate control of one George W. Kirk as Colonel, aided by one B. G. Burgen as Lieutenant-Colonel, one H. C. Yates as Major, and sundry other persons as

Captains and Lieutenants, and sent such last mentioned armed men under the immediate command of George W. Kirk, as Colonel, B. G. Burgen, as Lieutenant-Colonel, H. C. Yates, as Major, and said sundry other persons as Captains and Lieutenants, into the county of Alamance, and by the procurement, order and command of him, the said William W. Holden, Governor as aforesaid, under color of his said office, the said armed men last aforesaid, seized, held, detained and imprisoned, in said county of Alamance, one Adolphus G. Moore, a peaceable and law-abiding citizen of said county, then and there engaged about his lawful business; that the said Adolphus G. Moore, being so seized, held, detained and imprisoned and deprived of his liberty, was then and there in the custody of the said George W. Kirk, acting as Colonel, and commanding the armed body of men, last aforesaid, by the order, command and procurement of the said William W. Holden; that the said Adolphus G. Moore being so seized, held and imprisoned and deprived of his liberty, made due application to the Honorable Richmond M. Pearson, Chief-Justice of the Supreme Court of said State, as by law he might do, for the writ of *habeas corpus*, to the end, that he, the said Chief-Justice, might duly enquire the cause of said seizure, detention and imprisonment, and deliver him from the same according to law. That the said Chief-Justice issued the writ of *habeas corpus* at the instance of the said Adolphus G. Moore, directed to the said George W. Kirk, commanding him forthwith to produce the body of the said Adolphus G. Moore, before him, the said Chief-Justice, at the Chamber of the Supreme Court in the city of Raleigh, in said State; that the said George W. Kirk was, on the seventeenth day of July, in the year of our Lord one thousand eight hundred and seventy, in the county of Alamance, duly served with the said writ of *habeas corpus*; that he made no return of or to the same, as required by law, and refused to produce the body of the said Adolphus G. Moore before the Chief-Justice according to the exigency of said writ, avowing and declaring that he had made such seizure and detained and imprisoned the said Adolphus G. Moore at the instance of and by the procurement, command and order of the said William W. Holden, Governor as aforesaid, and would not produce the body of him, the said Adolphus G. Moore, before the said Chief-Justice according to the exigency of said writ, unless compelled so to do by superior armed force, or by the express order and command of the said William W. Holden, Governor as aforesaid; that such refusal of the said George W. Kirk to obey the said writ, was made duly to appear before the Chief-Justice, whereupon the said Chief-Justice made enquiry of the said William W. Holden, Governor as aforesaid, if he had so ordered the said George W. Kirk to so seize, detain and imprison the said Adolphus G. Moore; that the said William W. Holden, Governor as aforesaid, made answer in substance, and to the effect to said enquiry of said Chief-Justice, that he had theretofore ordered and commanded the said George W. Kirk to so seize, detain and imprison and deprive of his liberty the said Adolphus G. Moore, and that such seizure and detention was made by his order and command, whereupon the said Chief-Justice, upon due consideration, solemnly adjudged in

substance and effect that according to the Constitution and laws of said State, the privilege of the writ of *habeas corpus* was not suspended, and that the said George W. Kirk and the said William W. Holden, Governor as aforesaid, were in duty bound to bring and produce the body of the said Adolphus G. Moore before him, the said Chief-Justice, according to the exigency of the said writ; yet the said William W. Holden, Governor as aforesaid, unmindful of his most solemn oath of office, and his high duties as the Executive of said State, and contriving, and then and there intending to deprive the said Adolphus G. Moore of his liberty as a free citizen of said State, and to defy and subvert the Constitution and laws of said State, declared that he had so ordered, and did still so order and command the said George W. Kirk not to obey the said writ so issued by the said Chief-Justice, and then and there declared to the said Chief-Justice, that he, the said William W. Holden, Governor as aforesaid, would not obey the said writ, or the command of the said Chief-Justice in that behalf, and that he would not allow the said George W. Kirk to obey the same and produce the body of the said Adolphus G. Moore, before the said Chief-Justice, according to the exigency of said writ, until such time as in his discretion he might think proper so to do; that while the said William W. Holden, Governor as aforesaid, so seized, held, detained, imprisoned and deprived of his liberty, said Adolphus G. Moore, and so refused to obey the said writ, and to command the said George W. Kirk so to do, and so resisted the laws and the lawful authority of the said Chief-Justice, he was by his own procurement, order and command supported in that behalf by the means and use of said armed men, so commanded and controlled as aforesaid, and so the said William W. Holden, Governor as aforesaid, did in the way and manner, and by the means aforesaid, procure, order and command the said George W. Kirk, so charged by said writ of *habeas corpus*, to refuse to make due return of or to the same, and produce the body of the said Adolphus G. Moore before the said Chief-Justice, according to the exigency of the said writ, and to resist the same and the lawful authority of the said Chief-Justice, and did himself then and there, in the way and manner and by the means aforesaid, resist the due execution of the said writ, and the lawful authority of the said Chief-Justice, and did then and there in the way and manner, and by the means and armed force aforesaid, suspend the privilege of the writ of *habeas corpus*, and did unlawfully and violently seize, detain, hold, imprison and deprive of his liberty, the said Adolphus G. Moore, and for a long time, to-wit: for the space of one calendar month, after the said Chief-Justice had adjudged such detention illegal, did continue to hold and detain and caused to be held and detained said Adolphus G. Moore, and did in the way and manner and by the means aforesaid, make the military supersede and prevail over the lawful civil power of the State, all of which acts, matters and things, the said William W. Holden, Governor as aforesaid, did as aforesaid, in violation of his solemn oath of office, and whereby he, the said William W. Holden, Governor as aforesaid, did then and there commit high crimes and misdemeanors in

office, against the Constitution and laws of said State, and the peace, dignity and interests thereof.

ARTICLE VI.

That the said William W. Holden, Governor of the State of North Carolina, heretofore, to-wit: in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, under color of his said office, unlawfully recruited, armed and equipped as soldiers a large number of men, to-wit: five hundred men and more, and organized them as an army, and appointed officers to command and use such armed men as he, the said William W. Holden, Governor as aforesaid, under color of his said office, might from time to time order and direct; that during the said months of June, July and August, he, the said William W. Holden, Governor as aforesaid, under color of his said office, placed a large number of said armed men under the immediate command and control of one George W. Kirk, as Colonel, aided by one B. G. Burgen, as Lieutenant-Colonel, one H. C. Yates, as Major, and sundry other persons as Captains and Lieutenants, and sent such last mentioned armed men under the immediate command of George W. Kirk, as Colonel, B. G. Burgen, as Lieutenant-Colonel, H. C. Yates, as Major, and said sundry other persons as Captains and Lieutenants, in the county of Caswell, and by the procurement, order and command of him, the said William W. Holden, Governor as aforesaid, under color of his said office, the said armed men last aforesaid seized, held, detained and imprisoned in said county of Caswell, John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, peaceable and law-abiding citizens of said county, then and there engaged about their lawful business; that the said John Kerr, Samuel P. Hill, Jesse C. Griffith, F. A. Wiley, J. T. Mitchell, T. J. Womack, A. G. Yancey, J. McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, W. B. Bowe, Barzillai Graves, N. M. Roane, Robert Roane, J. R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson being so seized, held, detained and imprisoned and deprived of their liberty, were then and there in the custody of the said George W. Kirk, acting as Colonel and commanding the armed body of men last aforesaid, for by the order, command and procurement of the said William W. Holden, Governor as aforesaid; that the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thos. J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson being so seized, held and imprisoned and deprived of their liberty, made due application to the Honorable Richmond M. Pearson, Chief-Justice of the Supreme Court of said State, as by law they might

do, for the writ of *habeas corpus* to the end that he, the said Chief-Justice, might duly enquire the cause of said seizure, detention and imprisonment, and deliver them from the same, according to law; that the said Chief-Justice issued the writ of *habeas corpus* at the instance of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and seventy, directed to the said George W. Kirk, commanding him forthwith to produce the bodies of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson before him, the said Chief-Justice, at the Chamber of the Supreme Court, in the city of Raleigh in said State; that the said George W. Kirk was, on the first day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Caswell, duly served with the said writ of *habeas corpus*, but instead of making due return to the said writ, stated that, "I hold the said prisoners under orders from W. W. Holden, Governor and Commander-in-Chief of militia," and refused to produce the bodies of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson before the said Chief-Justice, according to the exigencies of the said writ; and thereafter the said George W. Kirk continued to hold and detain and deprive of their liberty the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson for a long time, to-wit: For the space of one calendar month, the said seizure and detention of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson by the said George W. Kirk and the military force under his command as aforesaid, having been made and continued as aforesaid by the orders of the said William W. Holden, Governor of the State aforesaid, he, the said William W. Holden, Governor as aforesaid, well knowing that the privilege of the writ of *habeas corpus* was not suspended, and that the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey

Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson were so detained without authority of law, whereby he, the said William W. Holden, Governor as aforesaid, did then and there commit high crimes and misdemeanors in office against the Constitution and laws of said State, and peace, dignity and interests thereof.

ARTICLE VII.

That the said William W. Holden, Governor of North Carolina, unmindful of his high duty to uphold and protect the Constitution and laws of said State, and the good name, dignity and honor of the people thereof, and unmindful of the obligation of his solemn oath of office, under color of his said office, did, in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, in said State, without any authority of law, but in contravention and subversion of the Constitution and laws of said State and the United States, and intending to provoke and stir up civil strife and war, recruit and call together from this State and the State of Tennessee a large number of men, to-wit: Five hundred men and more, many of them of the most reckless, desperate, ruffianly and lawless characters, and did then and there organize, arm and equip them as an army of soldiers, and place the same under the chief command of a notorious desperado from the State of Tennessee, by the name of George W. Kirk, having falsely proclaimed the counties of Alamance and Caswell in said State in a state of insurrection, and did send large numbers of such armed desperate men into said counties, under the immediate command of the said George W. Kirk and two other desperadoes from the State of Tennessee, to-wit: One B. G. Burgen and one H. C. Yates, and did there and then, without any warrant or authority, seize, hold, imprison and deprive of their liberty for a long time, to-wit: For the time of twenty days and more, many of the peaceable and law-abiding citizens of said counties, to-wit: John Kerr, Samuel P. Hill, — Scott, John R. Ireland and many others, and seize, hold, imprison and deprive of their liberty, and hung by the neck William Patton, Lucian H. Murray and others, and did thrust into a loathsome dungeon Josiah Turner, Junior, and F. A. Wiley; and to maintain, support and aid the lawless armed men so organized, armed and equipped, did, under color of his said office from time to time during the said months of June, July and August, without any lawful authority, make his warrant upon David A. Jenkins, Treasurer of the State, for large sums of money, to-wit: For the sum of seventy thousand dollars and more, and cause and procure the said David A. Jenkins, the Treasurer of the State, to recognize such unlawful warrant, and pay out of the Treasury such said large sums of money to the agent or paymaster of the said William W. Holden, Governor as aforesaid, for the unlawful uses and purposes aforesaid, whereby the said William W. Holden, Governor as aforesaid, did then and there, and by the means and in the manner aforesaid, commit a high misdemeanor in office, in violation of the Constitution and laws of the State, and of the peace and interests and dignity thereof.

ARTICLE VIII.

That the said William W. Holden, Governor of the said State, unmindful of the high duties of his said office, and the obligations of his solemn oath of office, and contriving and intending, and with a view and for the purpose of supporting and maintaining an armed military force in said State, which he had then and there recruited, organized and formed for illegal purposes, without the sanction of the Constitution and laws of the said State, but in contravention of the same, did from time to time in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, under color of his said office, in said State, without the sanction of the Constitution and laws of the said State, and in violation of the same, make his warrants as such Governor upon the Treasury of the said State for large sums of money, to-wit: for the sum of eighty thousand (\$80,000) dollars and more, to be used for the unlawful purpose aforesaid; that the said W. W. Holden, Governor as aforesaid, under color of his said office, then and there persuaded, commanded, incited and procured David A. Jenkins, Treasurer of said State to recognize such and said unlawful warrants on the Treasurer of said State, and to deliver such and said sums of money to such agents of the said William W. Holden, Governor as aforesaid, as he, the said William W. Holden, Governor as aforesaid, might from time to time designate and appoint; that in pursuance of such warrants and orders of the said William W. Holden, Governor as aforesaid, the said David A. Jenkins, Treasurer as aforesaid, delivered to one A. D. Jenkins, called the paymaster, appointed by the said William W. Holden, Governor as aforesaid, for such purpose, large sums of money from said Treasury, to-wit: the month of August, in the year of our Lord one thousand eight hundred and seventy, one Richard M. Allison, a citizen of the county of Iredell, in said State, brought his suit in the Superior Court of the last named county, in his own behalf, and in behalf of all the tax-payers of said State, praying that a writ of injunction might then and there be granted, and issued according to law, restraining the said David A. Jenkins, Treasurer as aforesaid, from delivering any sum or sums of money to the said William W. Holden, Governor as aforesaid, or any other persons in obedience to such orders and for such purposes, and also restraining the said A. D. Jenkins, as such paymaster, or in any other respect or capacity from disbursing or disposing of said sum of money so in his said hands or any part thereof for the purpose thereof. That the Honorable Anderson Mitchell, Judge of said Superior Court, then and there granted the writ of injunction so prayed for, enjoining and forbidding the said David A. Jenkins, Treasurer as aforesaid, from delivering any money from said Treasury in obedience to any such warrant or order, so made by the said William W. Holden, Governor as aforesaid, and enjoining and forbidding the said A. D. Jenkins, as such paymaster or agent, from using or disbursing the said money or any part of it, so in his hands, to or for the use of said armed body of men for any of the purposes aforesaid; that the said David A. Jenkins, Treasurer, and the said A. D. Jenkins, were each duly

served with said writ of injunction, but nevertheless, the said William W. Holden, Governor as aforesaid, wickedly intending to suspend and subvert the laws of said State and to defy and disregard the lawful authority of said court, did afterwards, to-wit: after the month last aforesaid, persuade, incite, order, procure and command the said A. D. Jenkins to defy and disregard the said writ of injunction, and to deliver the said money so in his custody to another agent of the said William W. Holden, Governor as aforesaid, to be used for the unlawful purposes aforesaid; that the said A. D. Jenkins, in obedience to such last mentioned order, command and procurement of the said William W. Holden, Governor as aforesaid, and in disregard of such writ of injunction and the lawful authority of said judge, did deliver the said money so in his hands to another agent of the said William W. Holden, Governor as aforesaid, to-wit: To one Richard T. Berry, to be used for the unlawful purpose aforesaid, and the said William W. Holden, Governor as aforesaid, did then and there, in the way and manner, and by the means and for the purpose aforesaid, procure, order and command the said A. D. Jenkins so to disregard and disobey the said writ of injunction and the lawful authority of said judge, and did then and there, and in the way and the manner and by the means and for the unlawful purpose aforesaid, defy, disregard, ignore, contravene, suspend and defeat the lawful purpose and effect of the writ of injunction so granted and issued by the said judge; and thereupon and thereafter the said William W. Holden, Governor as aforesaid, the said sum of public money thus transferred as aforesaid to the hands of the said Richard T. Berry, did order and cause to be paid out and disbursed by him, the said Richard T. Berry, to, for and about the illegal purposes aforesaid, to-wit: The payment of the expenses in keeping on foot, sustaining and maintaining the said illegal military force as aforesaid; whereby the said William W. Holden, Governor as aforesaid, was then and there guilty of a high misdemeanor in his said office in violation of his oath of office, and in subversion of the laws of said State, and the peace, interests and dignity thereof.

Messrs. Sparrow, Gregory, Dunham, Welch, Johnston, Scott and Broadfoot were elected by ballot as managers, on the part of the House, to conduct the impeachment, to whom was also added authority to employ other learned legal counsel to assist them in the trial of the cause.

At the hour of noon, December 23rd, 1870, Chief-Justice Pearson assumed the President's chair in the Senate, and the body was sworn in as a court of impeachment. Under the amended Constitution, the fact of impeachment had worked a disability in the person of Governor Holden, and T. R. Caldwell, by virtue of his office as Lieutenant-Governor, now succeeded at

once to the functions of the Chief-Magistracy. He had been in almost continued enjoyment of public employments for many years. As a member of the Legislature and lawyer, he became well known to the people. He had always, before 1868, been a Whig, and had abandoned his ancient party friends only when they had seemingly forever lost power under the reconstruction acts. Governor Caldwell was respectable, but did not shine in public station through the lustre of any extraordinary mental qualities.

Major Thomas Sparrow appeared before the bar of the Senate with the other managers, and in behalf of the House of Representatives demanded that William W. Holden be compelled to appear and answer the matter of impeachment against him. Richard C. Badger, as counsel for the respondent, read a letter from him to the Chief-Justice as presiding officer of the Court of Impeachment, demanding thirty days wherein he might prepare his answer to the articles of impeachment. This request, upon motion of Mr. Graham, was allowed by the Senate, and the 23d day of January, 1871, was set as the time, on or before which such answer should be filed.

At the time set for the filing of the answer of Governor Holden, the Senate again assumed its character as a court of impeachment, Judge Pearson, though identified in the popular apprehension as *particeps criminis* with the defendant at the bar, was to preside with great learning and propriety through the long trial and to add to his fame as a great jurist. No man has surpassed him in our history in his knowledge of the law. He did not possess elegance of language or literary grace seen in other great judges, but in the grasp of his thought and extent of legal knowledge, he was among the foremost jurists then living. Upon the opening of the court, Major Sparrow,* on the part of the managers, announced that they would be assisted in the con-

*Major Sparrow is still highly regarded for his ability and blameless life. He had been a gallant soldier in the late war, and was an officer of the Tenth Regiment. In culture and morals he has no superior in the limits of the State.

duct of the cause by Messrs. Bragg, Graham and Merrimon. Of these three, abundant notice has already been taken in preceding pages of this work, but so conspicuous were they all in the progress of their lives that attention may be again directed to their extraordinary merits. As practicing lawyer, ex-Governor Bragg was perhaps never equalled in North Carolina. His laborious preparation of every case, his large legal knowledge and dexterity in the conduct of causes had lifted him to the lead of his legal brethren in North Carolina and made him a paragon among lawyers. Governor Graham was also highly distinguished as counsel at the bar. His real attainments were enhanced by a greatness of manner and the gathered trophies of a well spent and illustrious life. Judge Merrimon was far younger, but, in his brief stay upon the Superior Court bench and subsequent course at the bar, he had attained great and merited distinction for forensic ability.

Mr. Badger announced that Messrs. J. M. McCorkle, Nathaniel Boyden, W. N. H. Smith and Edward Conigland were associated with himself in the defence of Governor Holden. Mr. McCorkle was prominent in the western circuits as an advocate, and is still highly esteemed for ability in his profession. He is a descendant of that Dr. McCorkle, who was so prominent in the latter portion of the last century as a Presbyterian divine. Judge Boyden had been long a leader in the courts of the same section of the State. He was a northern man by birth, and was ever consistent in his devotion to the Union of the States. Of Judge Smith, the readers of this volume have already been sufficiently enlightened as to traits and precedents. He was to lead in the defence against the astute management of ex-Governor Bragg, and to increase an already great reputation. None of the counsel on either side surpassed in eloquence and power as an advocate, Edward Conigland of Halifax. A native of Ireland, he possessed all the warm impulses characterizing that mercurial people. A noble integrity, cultivated tastes and singular power at the bar will long retain his memory among the lawyers of the State.

At length the case stood fairly for trial upon its merits. Never before was an officer impeached for malfeasance in office in all the history of North Carolina. The charges were grave and the public interest intense. The wit and wisdom of the State were upon the floor of the Senate chamber, while from the galleries the eyes of many beautiful women gazed in absorbing interest upon the strange spectacle of a Governor of North Carolina answering as a criminal for a violation of his sworn duty as Chief-Magistrate of the Commonwealth. In the remote past an outraged people had risen against the intolerable rule of Seth Sothel and forcibly expelled that miscreant from their midst, but in the two centuries subsequent no ruler of the State had become so personally obnoxious to his lieges as to incur either violence or legal prosecution. Governor Holden had indeed won a bad eminence by his mistaken zeal or worse motives. In his answer to the charges contained in the articles of impeachment he set out with the declaration that a purpose to overthrow his government of the State was manifested even before his assumption of power by the protest of Governor Jonathan Worth. This memorable document of that patriotic and wise ruler was in these words :

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT,
RALEIGH, July 1st, 1868.

GOV. W. W. HOLDEN, *Raleigh, N. C.*:

SIR:—Yesterday morning I was verbally notified by Chief-Justice Pearson that, in obedience to a telegram from General Canby, he would, to-day at 10 o'clock A. M., administer to you the oaths required preliminary to your entering upon the discharge of the duties of Civil Governor of the State, and that thereupon you would demand possession of my office.

I intimated to the Judge my opinion that such proceeding was premature even under the reconstruction legislation of Congress, and that I should probably decline to surrender the office to you. At sundown yesterday evening I received from Colonel Williams, Commandant of this Military Post, an extract from the General Orders, No. 12, of General Canby, as follows :

HEADQUARTERS SECOND MILITARY DISTRICT,
CHARLESTON, S. C., June 30th, 1868.

"GENERAL ORDERS, }
No. 12.

[EXTRACT.]

To facilitate the organization of the new State government the following appointments are made: To be Governor of North Carolina, W. W. Holden, Governor elect vice Jonathan Worth removed. To be Lieutenant-Governor of North Carolina, original vacancy. To take effect July 1st, 1868, on the meeting of the General Assembly of North Carolina."

I do not recognize the validity of the late election under which you and those co-operating with you claim to be invested with the civil government of the State.

You have no evidence of your election save the certificate of a Major-General of the United States army. I regard all of you as in effect appointees of the military power of the United States, and not as deriving your powers from the consent of those you claim to govern.

Knowing, however, that you are backed by military force here, which I could not resist if I would, I do not deem it necessary to offer a futile opposition, but vacate the office without the ceremony of actual eviction, offering no further opposition than this my protest.

I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial.

I surrender the office to you under what I deem military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence that the present State government is surrendered as without legality to him whose own official sanction, but three years ago, proclaimed it *valid*.

I am, very respectfully,

JONATHAN WORTH,
Governor of North Carolina.

This protest, Governor Holden asserted, had been endorsed by the various newspapers of the State, and he became convinced that the white people were only submitting to his authority because of a temporary impossibility of its overthrow. He contended that Governor Worth's letter was the key-note and exponent of the Ku-Klux movements, the effects of which were to render void and inoperative the late reconstructive legislation both by National and State authorities. He had protested by numerous proclamations against such movements. The Legislature had intervened and passed the act of April 12th, 1869. He

detailed at length the outrages of the Klan. In consequence of these acts and his sense of duty, he had, by virtue of power vested in him by the Constitution and the Shoffner Bill, passed January 29th, 1870, declared the counties of Alamance and Caswell in a state of insurrection. He denied that the allegation was true as to his assembling lawless and desperate men to imprison peaceable citizens; that in compliance with the act of August 17th, 1868, he had but accepted and enrolled certain of the State militia as he had a right to do for the suppression of an insurrection. That any violence to prisoners was contrary to his orders. He avowed his orders to Kirk to arrest the men in question, and further that the writs of *habeas corpus* had been disregarded at his direction, but that he had the right as Governor so to do as was the case in his ordering D. A. Jenkins, Public Treasurer, to pay Kirk's troops after an injunction from the courts against that functionary's so doing.

On the fourth day of the preliminaries, the only point of interest was the motion by the managers to amend the eighth article of impeachment by substituting the name of John B. Neathery for that of Richard T. Berry. This was opposed by the respondent's counsel on the ground that an impeachment was in the nature of a bill of indictment, and could not be changed in essentials. A new article could be framed by the House of Representatives and sent in, but that it was unjust and contrary to precedent and analogy for the amendment to be effected in the Senate sitting as a court. The Chief-Justice took the view insisted upon by the managers and their counsel, and the motion was allowed. It was then moved for the respondent that time be allowed for a fresh answer to this amended article, and Wednesday, February 1st, was set for such purpose.

On the day appointed for resuming the trial, Colonel L. C. Edwards of Granville, was admitted to his seat as a Senator, and upon motion of Mr. Robbins of Rowan, as to the time of his being sworn in as a member of the court of impeachment, his right to sit was challenged by the respondent, because of his absence during the previous stages of the cause. After elaborate

discussion the Chief-Justice was sustained in his ruling that the point was not well taken, and Mr. Edwards was sworn in as one of the triers. Governor Holden's answer to the amended eighth section did not vary from the one originally made.

After so many stately ceremonies, the preliminaries were gone through and the real trial of the great cause began at 12 o'clock, on February 2d, 1871. Major Thomas Sparrow, on the part of the managers, opened the case for the prosecution in a speech of much fervor and power. He defended the motives of the House of Representatives in its action touching the cause in hand, and at considerable length demonstrated the propriety of its course and the gravity of the alleged offences against the Constitution and laws on the part of the respondent. The remainder of the day was consumed in the reading of documentary evidence. Much opposition was made by the respondent's counsel as to the admissibility of certain papers or records of the United States District Court involving Judge Brooks' connection with the liberation of Kirk's prisoners. The Chief-Justice was again sustained in the decision that they were pertinent as showing the respondent's *animus* at the time in question.

At a subsequent time in the progress of the trial a long and learned discussion arose as to the admissibility of a hotel register as proof of Kirk's domicile, and again as to the failure of a witness *subpœnaed duces tecum* to bring in a paper writing as ordered. The counsel on both sides evinced great zeal and learning. From twelve until two o'clock each day the Senate continued to sit as a court. By the mouths of many witnesses it was shown how more than an hundred men were seized in the counties of Alamance and Caswell, and the full details of brutal treatment they underwent at the hands of a mixed mob of white and black ruffians were given by the sufferers themselves.

On February 21st, that being the twenty-third day of the trial, Edward Conigland opened the case in behalf of the respondent. In a speech of great candor, force and real eloquence, he besought the Senators to rise to such a level of justice and magnanimity as would enable them to act in the grave matters com-

mitted to their arbitrament without being influenced by political and partisan prejudice. No man in North Carolina had more strenuously resisted the adoption of the reconstructed State government, but now that he stood there as the retained counsel of the impeached Governor, nothing but zeal and devotion was seen in the bearing of the learned and eloquent Irishman. He told the court that such a state of insurrection as was contemplated by the law, requiring the Governor to call out the militia, would be shown in the respondent's testimony to have really existed in the two counties put under ban. That the Shoffner Bill did require just such action as had marked Governor Holden's course. That he was warranted by the decision of the Chief-Justice and his Associates of the Supreme Court, in arresting and detaining in spite of the writs of *habeas corpus*, the men mentioned in the charges. That he had not authorized the cruelty of Kirk and his subordinates to the prisoners in their keeping.

The first witness, John B. Neathery, late private secretary of Governor Holden, was called, and the testimony for the defence opened with a question concerning Governor Worth's protest against his deposition from office under the reconstruction acts. This was promptly resisted by the prosecution as totally irrelevant to the issue. Governor Holden's answer had cited this protest as the origin and index of the subsequent Ku Klux movements. In this he had done great injustice to a most blameless man. No one else for a moment believed that Jonathan Worth had countenanced personal violence to his political opponents, and the counsel were free in disclaiming the disparaging charge contained in their client's answer.

Through many days more this momentous trial was to absorb the time of the Senate and enchain the attention of the people of North Carolina. The Senators were almost without exception guided by the opinions of Judge Pearson as to the proper conduct of the cause, and Governor Holden, through his very able counsel, enjoyed the privilege of offering any evidence that could vindicate or explain his monstrous invasion of private liberty. That he was the victim of misplaced confidence in men

enjoying supreme Federal dignities will be his only vindication with a calm and scrutinizing posterity. After the most elaborate testimony and forensic vindication by his counsel, he failed of an acquittal. That many grievous breaches of the peace were properly attributable to the agency of the Ku-Klux is beyond question. Life was full of danger to active Republican partisans in all the region where in former days the old Regulators had been so formidable. The reasons for this coincidence have been already given. Governor Holden was unwise that he did not wait longer for time to soften the asperities engendered by war and the enforced changes wrought in the polity of his people. This is the most charitable construction that even historians of the future can place upon his most dangerous invasion of the very paladium of individual liberty. It may be that he was innocent of the foul and atrocious attempt to bully his lieges by military execution, but his letters to General Grant and Colonel Kirk go far to show that he was on the very eve of commencing judicial murder by means of a court-martial, when arrested in his purpose by the resolute interference of Judge Brooks. If he and General Grant were in this matter scheming to overawe opposition by means of the shed-blood of their leading opponents the punishment of the Governor of North Carolina was most richly deserved.

Thus ended the struggle for supremacy in North Carolina between the colored Union League and the famous Ku-Klux Klan. The first appearance of the White Brotherhood had been greeted with denunciation and fear, and the statute of 1869 had made it a felony for any man to travel in disguise in the night season. Their encampments were dissolved, and some of their really disreputable practices abandoned, but General Grant and his supporters in Congress were still maturing schemes of wholesale vengeance and punishment against the men they held responsible for the altered aspect of political affairs in the South. The mild sway of Salmon P. Chase, Chief-Justice of the United States, who with Judge Brooks, had been holding the Federal Circuit Courts in North Carolina, was to be altered for the worse.

H. L. Bond of Maryland, who had been a "secessionist," and was now entirely devoted to the centralizing schemes of the Republican party, proved a fit instrument in the hands of his employers in wreaking vengeance upon the men whose misdeeds were in many cases only imaginary and in others but a part and parcel of the dreadful past. Judge H. L. Bond, with all his partisan vindictiveness, came to procure convictions, and soon innocent and guilty alike were dragged into court for his offences, which should never have been cognizable except in North Carolina tribunals, and men were sent in gangs to the United States penitentiary at Albany, New York.

The records of State trials contain no more inhuman instance of useless and wanton oppression than was seen in the case of Randolph A. Shotwell. His real offence did not consist in any violence inflicted upon the people who complained of Ku-Klux evils. Justice, the man who stood as prosecutor in the cause, wherein the jury convicted, did not allege graver misconduct in his visitors than what could be fairly considered *forcible trespass*. Yet from the fact that Shotwell was commander of the Buncombe camps, he was singled out in defiance of all propriety, and punished for crimes of other men. The fact that he had vigorously conducted a Democratic newspaper, and had been engaged in a personal difficulty with Luske, the assistant Attorney for the government, led to the determination to make him an example for the terror of many thousands. Captain Shotwell had been delicately reared and had manifested romantic courage and devotion as a soldier in the war. High-strung and sensitive by nature, his tormentors supposed he would shrink from the shameful punishment proposed and make such disclosures and concessions as they desired. They mistook their victim, for no Roman ever showed more fortitude. He rejected all their proposals and suffered imprisonment for three years. Fully five thousand young men left North Carolina and fled for safety, from such treatment, into distant States. Packed juries and perjured witnesses, controlled by Judge Bond, were dangers direr to their imaginations than all the tempest of death at Gettysburg.

The baseness of the Federal officers charged with this high commission against our people will seem incredible to posterity. Even the ringleaders of the Ku-Klux were granted immunity, whenever they would agree to co-operate in the future with the Republican party. Plato Durham of Cleaveland, who had manifested so much Southern zeal and patriotism was said to have been a victim of the infamous sale of justice; but the proud heart of him, who had been a gallant soldier of the war, and the sternest of all our youthful statesmen in repelling congressional encroachments, could not survive the humiliation of his position. He endeavored to keep faith with the enemy, and in his mortification sunk at once to a premature grave.

The Canby Constitution had been imposed upon North Carolina under such circumstances as made the really objectionable changes doubly obnoxious to the people. The force, fraud and malevolence of its origin were not likely soon to be forgotten. The "Carpet-Baggers'" rule was, in the good providence of God, at an end, but the organic law of the State still stood a monument of their invasion and rapacity. The overwhelming ascendancy of the Democrats in both Houses of the General Assembly betokened, as they thought, so complete a change of public sentiment in the State that the odious legacy of unclean aliens could and should be at once annulled. A Convention bill provided that Tod R. Caldwell, then acting Governor of the State, should issue a proclamation to the several counties in furtherance of the scheme to hold an open Convention, with a view to changes in the Constitution of North Carolina. His Excellency utterly refused to do so, and the Speakers of the two Houses were forced to perform this properly Executive duty.

No State was ever more justified, in reason, in seeking alleviation thus proposed. A Constitution unsuited to the genius of the people had been foisted upon us by careless strangers and the ignorant colored men who, as members of the Convention of 1868, had thought their duty discharged in blindly following the lead of their Northern coadjutors. They had provided, in Article V, Section 4th, "That the General Assembly shall, by

appropriate legislation and by adequate taxation, provide for the prompt and regular payment of the public debt, and after the year 1880 it shall lay a specific annual tax upon real estate and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt."

Let it be remembered that the United States government was at that time realizing a million and a half dollars a year from the people of North Carolina by means of its collectors of internal revenue. Kemp P. Battle, the intelligent and patriotic Treasurer of the State, had seen, in 1867, no escape from bankruptcy if North Carolina could not arrange her finances by a compromise with her creditors. It was simply impossible to pay the Federal exactions and the accrued liabilities of the State. The very Convention that made it thus imperative on the Legislature to provide for the public debt added more than a hundred thousand dollars to our indebtedness. The whole pay of the members of the Convention of 1835 amounted to eight thousand three hundred and thirty-three dollars; that of 1868, to seventy-four thousand nine hundred and sixty dollars. The daily pay for a member, in 1835, was one dollar and a half; in 1868, eight dollars. Nathaniel Macon, as President, received sixty-three dollars and fifty cents; C. J. Cowles, eight hundred and forty-eight dollars. Judge Gaston, as member for Craven, received, in 1835, sixty-nine dollars; C. D. Pearson, his colored successor, received, in 1868, five hundred and fifty-five dollars.

As has been related, the Legislature of 1868, had almost doubled the public indebtedness, and it was urged that the Constitution must be amended, or the Legislature regard their oaths for its support, as to Chapter V, Section 4th. The Democrats made a great blunder in proposing an open convention. Our people have uniformly in all their history, distrusted and opposed every such movement. Their own fears of too many changes were increased by threats of the Federal authorities in Washington City. It was asserted that North Carolina might expect the treatment recently visited upon Georgia, and thus it was that for

years longer, the reconstruction polity was prolonged as the organic law of a once sovereign commonwealth, nine-tenths of whose intelligence all the while desiring its repeal.

The Convention was defeated by a vote of ninety-five thousand two hundred and fifty-two against, and eighty-six thousand and seven for its assembling. The Democrats had received a severe check in North Carolina. They had polled three thousand votes less for the Convention than had been cast the year before for Judge Shipp as Attorney-General, while the Republicans had a clear gain of more than eleven thousand. There was much fear of Federal interference in case of success to the movement. Many men were also led to believe that the newly acquired homestead rights would be jeopardized; while the colored voters, to a man, were persuaded that the whole scheme was to remand them to slavery. Timidity and ill-grounded fears on the part of the ignorant multitude, had palsied the intelligence and wisdom of the State in its effort for emancipation. But the battle was only stayed in its progress. The struggle was not to be surrendered, until through patient waiting and repeated defeats, autonomy and self-vindication were to be accomplished.

The negroes were, as yet, unanimous in their support of all Republican men and measures. It was a common thing in those days in the public debates, whenever the Republican speakers opened the discussion, to see every black man, at a signal, leave the scene. When one of their number presumed to vote the Democratic ticket, it was at the peril of his life, and he was swiftly visited with violent denunciation and too often with violence at the hands of an infuriated mob. A few native white men of position guided the unweildy and tumultuous mass constituting the Republican party of North Carolina. A vast proportion were stolid, ignorant and incapable. It became a portion of their religion to uphold General Grant and the men of his ilk, and it was held a graver offence to the church for a colored man to vote the Democratic ticket than be guilty of larceny, bastardy or the most beastly intoxication. It has been customary in preceding elections for Democratic speakers to consume much of their

time in vain efforts at convincing and enlightening the masses so densely arrayed against them. A change was observable in this respect. The negroes were told to follow their own councils. Misguided white men were appealed to, and the great body of the people which had never faltered in adhesion to the South and the true interest of the national Union, were besought to remain steadfast in their tireless devotion to a good cause.

The Southern people mourned for the death of C. L. Valandigham, June 19th, as if for the loss of a brother. He was the bravest man who has lived since the days of Martin Luther. In all the storm and frenzy of the revolution, his voice could be heard denouncing those waging war on the South and the Constitution. His dauntless heart had covered his life as with a panoply, and he walked unharmed amid Northern mobs, until exiled by the tyranny of his oppressors. And now while still battling for what he believed was right, was killed by the accidental discharge of a pistol in his own hands.

In the seven years which elapsed between the close of the war and the coming in of 1872, there was an abundance of occasion for disgust and despair to the Southern people. Some of the best and most intelligent grew desperate of the Republic and distrusted the wisdom of all free institutions. The Republican party had been in possession of the national government for more than ten years. For the same period they had controlled each of the Northern States. The lame and impotent fabrics built up upon the ruins of the Southern State governments were also but echoes of the dominant and aggressive spirits congregated at Washington. It seemed that every check and balance had been destroyed from the Constitution, and the State governments existed but in name. The Supreme Court of the United States vainly lifted its warning voice by decisions as to the unconstitutionality of different Congressional enactments. The carnival of misrule and Federal license was still unbounded. A few Democrats, like Chase in the Supreme Court, Doolittle in the Senate and Cox and Randall in the House, were protesting against the wanton and ruinous innovation and disregard of the

life of our institutions. The delicate machinery so wisely devised by the great statesmen of a former age, was being hopelessly disarranged in the rough handling of men who boasted of their ability to legislate "outside the Constitution."

Another quadrennial contest for the Presidency was again at hand. General U. S. Grant had used his high office for three years past in such a manner as to excite the gravest apprehensions as to the extent of his usurpations. He knew little and cared less, as to the nature and extent of his duties as President of the United States. Like the Duke of Marlborough, his military fame has not lifted him to the level of true greatness. His patriotism consisted in the lowest promptings of self-interest, and with a thousand opportunities of immortality, he was content to be the chief of the venal speculators who were fattening upon the spoils of the government. If not corrupt himself he was, at least, the boon-companion of men who were; and too many schemes for public plunder were traced to men who continued to enjoy his closest intimacy. Andrew Johnson had been violent and vindictive, but he had been above suspicion of a thousand alliances so discreditable to General Grant. That such a man could find any party in America to re-nominate him is the most disgraceful fact in all the history of the Republican party.

If Alexander Hamilton could have arisen from his bloody grave and surveyed the working of the American government under General Grant, he might have been consoled in the fact that it was really such a system as he had advocated in the Convention of 1787. But what horror and dismay would have filled the souls of Madison, Jefferson and all others, who really impressed their views upon the formation of American polity. The government of the Southern States was worse than a mockery. General Grant, by such agents as General Sheridan, took possession of the State Houses, and supplemented the shameless returning boards by forcibly expelling members of the Legislatures, when men distasteful to the administration, were returned by the people. He had undertaken the impossible and unna-

tural government of wealth and intelligence in a vast territory by means of ignorant, slothful and incapable agents. It was a great mistake that any respectable portion of Southern white men would continue to be traitors to their own blood.

The nomination of Horace Greeley evinced the anxieties of the good men of all parties for the future of the nation. He was never a Democrat in all his history. He had small experience as a statesman, and yet as founder and editor of the *New York Tribune*, he had done more than any living man in moulding Northern opinions. He had labored long and earnestly for African emancipation, and was as conspicuous for the benevolence of his life, as he was for opposition to all the distinctive views of Southern statesmanship. Yet such was the stress of our misfortunes, so ominous was the outlook for the future, that Southern Democrats at Baltimore eagerly ratified the work of the Liberal Republicans at Cincinnati; and Horace Greeley thus became the choice of the men he had so long defamed, for the highest office known to our institutions. Eighty thousand office-holders had conspired to re-nominate his competitor, but the New York editor owed his position to the truth and magnanimity of his own nature and the patriotism and unselfishness of those men who labored so unavailingly in his support.

In the Edenton District, Clinton L. Cobb of Pasquotank, was re-nominated for Congress by the Republicans. He was of limited capacity both on the stump and in Washington City, and surrendered himself too much to the control of John Pool and Benjamin F. Butler to be either useful to his constituents or the creation of a reputation for himself. Colonel David M. Carter of Beaufort, was selected as his opponent. In the canvass which ensued Colonel Carter vainly demonstrated his vast mental superiority, and was badly defeated in the August election.

Governor Caldwell was re-nominated for the position he then held, and with him, Curtis H. Brogden of Wayne, for the office of Lieutenant-Governor. Mr. Brogden began public life as a member of the House of Commons in 1838. He had been Comptroller in 1857 and remained in that office for ten years.

He is of contracted powers mentally, but entirely harmless and amiable in his life. He really loves his State and people and thus atones for political mistakes.

Judge Merrimon, then of Wake, was the Democratic candidate for Governor. He had presided with great acceptance in the Superior Courts, until his resignation to escape recognition of what he regarded as the usurpation of General Canby. He had manifested large judicial capacity in the Special Court appointed for the county of Chowan wherein for almost a month many of the ablest lawyers of the State were engaged in the famous contest over the will of James C. Johnson. Judge Merrimon won many new laurels in the progress of the canvass. He added more than twelve thousand votes to the Democratic strength, and was yet defeated by a majority of nineteen hundred. North Carolina, in her State elections on the first Thursday in August, was the first State of the Union to indicate the general result in November. Many thousands of dollars were brought in as a corruption fund. The Republicans, not only of the State but whole nation, were called upon for contributions by which an election so important was to be purchased. In addition to this swarms of negroes from Virginia and South Carolina were imported and controlled the result in our State. Merrimon received ninety-five thousand two hundred and fifty-two votes; Caldwell, ninety-six thousand six hundred and forty-six, being an increase of twenty-five thousand two hundred and twenty-three votes over the strength developed at the polls just one year before.

The Legislature of 1870 had elected Governor Z. B. Vance to the United States Senate to succeed General Abbott, whose term expired March 4th, 1871. When Governor Vance presented his credentials, he was refused his seat on the ground that Congress had not removed his disabilities. The "Carpet-Bagger" who had for four years previous sat there as the Senator of North Carolina, had the effrontery to lay fresh claim to a seat on the ground that he was really elected from the fact of Vance's disabilities. The Republican majority consulted decency and jus-

tice in their action as to Abbott. They would not seat him, but deprived North Carolina of one-half her representation in that conclave, which was intended to represent the sovereignty of the several States.

The Republicans had carried the State for Governor, but the Democrats had a considerable majority in both Houses of the Legislature. J. L. Robinson of Macon, was chosen Speaker of the House. This Legislature had the good sense to attempt needed constitutional reforms by means of its own enactments and subsequent ratification by the people. Ex-Governor Vance having found that his political enemies were unrelenting in their opposition to his taking his seat in the United States Senate, resigned, and General Matt. W. Ransom of Northampton, was selected in his place.

The United States Congress created the Western Judicial District of North Carolina, and R. P. Dick, late of the North Carolina Supreme Court, was made Judge of the same. Judge E. W. Jones of the Second North Carolina District resigned to escape the consequences of impeachment, and William A. Moore of Chowan, was appointed in his place. In the First District Judge C. C. Poole, of his own pleasure, left the bench, and was succeeded by J. W. Albertson of Perquimans. So too, in the Third District, Judge Thomas, then in Congress, was replaced by William J. Clarke of Craven. Nathaniel Boyden of Rowan, succeeded Judge Dick by the Governor's appointment, as Associate Justice of the Supreme Court. Judge Settle of the same tribunal, had been commissioned by the President as United States Minister to Peru, and was to be succeeded by W. P. Bynum of Mecklenburg.*

*NOTE.—Judge William Preston Bynum is the brother of General John Gray Bynum. He graduated at Davidson College with the highest distinction, in 1842. He was for ten years Solicitor of the Ninth Judicial District, and was Lieutenant-Colonel of Second Regiment, North Carolina State Troops, in the late war. He was a member of the Constitutional Convention of 1865, and even surpassed his brother in the largeness of his mental calibre.

The State sustained a great loss January 21st, in the death of ex-Governor Bragg. He had been for some years the leader of the North Carolina Bar, and has been unsurpassed in our annals as a jury lawyer. He, with B. F. Moore and many others, had been involved in a difficulty with the Supreme Court, which eventuated in the retiring of Judge Asa Biggs from the State. The lawyers had denounced what they deemed improper in the conduct of certain Judges of the Supreme Court, and a rule had been served upon them to show cause why they should not be disbarred for the alleged contempt. The difficulty was arranged, but weighed heavily upon the mind of Governor Bragg. He died of cancer of the stomach, amid the unspeakable regret of his long-suffering compatriots.

With the advent of 1873, there was much to discourage virtuous and enlightened men as to the future of the American nation. It seemed as though our people had been given over to judicial blindness. General Grant, by an overwhelming vote, was re-elected President of the United States. The result of the election broke the heart of Horace Greeley, and he died before the official count could be announced. He had devoted the best energies of a virtuous life to the amelioration of the negro race in the United States. They rewarded his devotion by uniformly supporting his competitor, who had never manifested anything but indifference and aversion to the race. They but repeated their usual treatment of real benefactors, and like most degraded races, turned upon the illustrious journalist and fatally convinced him that he had been all of his life casting pearls before swine. General Grant, not only manifested a disregard of the great precedents of the government, but waged war upon Senator Sumner and every other prominent Republican who hesitated as to the adoption of his administration policy. The "Credit Mobilier" investigation disclosed an alarming corruption among public men. Fraud and violence became the recognized agents of Federal control, and in Louisiana and South Carolina an intolerable and disgraceful oppression on the part of the negroes and "Carpet-Baggers" was for four years longer to

be enforced against the long-suffering and ruined white people. The trust of many good men was broken as to the benignity of an overruling Providence. These people had been sinful, and had wandered from their allegiance to the Federal government, but it seemed the endless punishments of a future state were being visited upon men who were heroes at least in support of what they believed was right. Wealth, faith and chivalry were all subjected by the crafty and selfish despot at Washington City to the dominion of the negroes and their white leaders. The mercy of God, which endureth forever, seemed lost to these wretched States, as through years of unimagined woe they waited for slow-coming deliverance.

Salmon P. Chase, Chief-Justice of the United States, who had been the most prominent competitor of Horace Greeley for the Democratic nomination in the late Presidential struggle, also died in the progress of the year. He was a man of great abilities, and had won the confidence and admiration of all parties in North Carolina by the wisdom and propriety of his conduct as the presiding officer of the United States District Court in Raleigh. The newly created Circuit Judge, Bond, who had succeeded him, suffered much in comparison, and was as remarkable for his partisan zeal and facility as Judge Chase had been for all the great virtues which shed veneration upon the ermine.

The term of service of John Pool in the United States Senate expired March 4th. He was succeeded by Judge A. S. Merri-
mon. He and Governor Vance, both born in Buncombe, had been candidates for the position soon to become vacant, and the ex-Governor, though the choice of a great majority of his party, was defeated by the defection of a few Democrats, who combined with the Republicans to thwart the wishes of their own political friends.

On February 1st, under the auspices of the Masons of North Carolina, another noble public charity was inaugurated at St. John's College in the town of Oxford. The Grand Lodge had constructed this fine edifice previous to the war, and now resolved to appropriate a small amount each year for the purpose of edu-

cating the orphan children of the State. John H. Mills, late editor of the *Biblical Recorder*, was induced to assume charge of this most beneficent and praiseworthy undertaking. His good sense, zeal and piety supplement a popularity which is co-extensive with our State bounds. No man ever lived in North Carolina more universally beloved than he, and his eccentricities of manner only add an additional charm to the real wealth and worth of his endowments. With little bands of the children committed to his charge, he is yet tireless in his pilgrimages in search of further recipients of his bounty, and in opening the hearts and purses of the citizens. His great work is yet almost entirely supported by the spontaneous offerings of the people. Mr. Mills graduated at Wake Forest in 1856, and is one of the most honored and prominent of Baptist laymen. He was born in Halifax, Virginia, but was educated in North Carolina, and has made it the home of his entire manhood. He has a fit compeer in Rev. Dr. J. D. Hufham, who was his associate at Wake Forest, and who is so tireless and lavish of his time and means in his devotion to his Alma Mater and kindred matters of Baptist concern. Though born in Duplin he is perhaps best known and beloved in the Albemarle country. His noble unselfishness, his charming social gifts, his purity, piety and eloquence in the pulpit make up a character well worthy of imitation.

With the 10th of May came a repetition of the beautiful and seemly custom of decorating the graves of the Confederate soldiers. This is still an honored occasion by both parties of the late controversy. The Southern people observe the anniversary of the great victory at Chancellorsville, wherein fell General T. J. Jackson; their late antagonists hallow the 30th of May, and both sides join in doing honor to the gallant men who perished in the progress of the war. Orations and poems are recited amid the wail of martial dirges, while garlands of flowers are strewn upon the humble resting places of heroes who once made the battle-field brilliant with their valor. These touching rites have softened the olden asperities of feeling. Men who once confronted each other in battle, are now conjoined in a work of

mutual honor to the dead of both sides. Time and shed-blood have sanctified the costly sacrifice of the two sections, and as the good people of the North and the South stand by the graves of their fallen comrades, there are grief and regret alike for the sleepers who wore the gray and the blue.

On August 7th occurred the State elections to pass upon the recent amendments to the Constitution of North Carolina, proposed by the Legislature. They were all ratified, and a portion of the objectionable innovations of 1868 were stricken from the organic laws. The people, by a considerable majority, had a year before expressed their disapprobation of the proposed open Convention. They now, however, showed that they were not satisfied with the "Canby Constitution," and that the late Democratic check had been rather the result of the people's caution than any feeling of reverence for the odious monument of reconstruction.

On September 1st, General Daniel Moreau Barringer of Raleigh, died at Greenbrier White Sulphur Springs, in West Virginia, and was buried in Baltimore. He had been a member of Congress and United States Minister to Spain. He was the oldest of several talented and prominent brothers, to-wit: General Rufus Barringer, late of the First North Carolina Cavalry Brigade, and Victor C. Barringer of Cabarrus. The first of the family known in North Carolina was John Paul Barringer, who came to the State from Hanover, in Germany, previous to the Revolution, and was prominent as a Whig in that struggle. His son, General D. L. Barringer of Wake, represented the Raleigh District in Congress from 1826 to 1835, and then removed to Tennessee, where he likewise became prominent as a politician. His brother, General Paul Barringer, resided in Cabarrus, and was often a member of both Houses of the Legislature, and died amid general regret, June, 1844. His son, the Spanish envoy, was born in 1806, graduated at Chapel Hill in 1836, became a lawyer, and three years later began public life as a member of the House of Commons of the North Carolina Legislature.

He was a man of much courtliness and address, and possessed the talents traditional in his family.

On December 18th, the State was likewise pained in the death of the venerable Weldon N. Edwards of Warren. His half century of public service ended with reconstruction, when he, Judge Ruffin and Governor Swain ceased to be Commissioners of the Sinking Fund. He presided in the Convention of 1861, and had filled many illustrious positions of public trust. He was ever a "States Rights Democrat," and in his irreproachable life was a model worthy of imitation for all time.

Eight days earlier General Alfred Dockery departed this life at his home in Richmond county. He had been, through a long life, a man of the utmost influence and consideration in his section of the State. He had won high political position, and was a pillar of the Baptist Church in the State. He was one of the few who participated in the foundation of the North Carolina Baptist Convention, and of Wake Forest College. Through many years he presided as President of the Convention, and with Judge Thomas Settle, Sr., Calvin Graves, Dr. G. C. Moore, Judge John Kerr and Charles W. Skinner, was a trustee of the Convention and the College.

Amid poverty and Federal oppression the Southern communities were still bravely struggling for the restoration of their shattered fortunes, and the recovery of their lost equality in the national councils. Ever and anon from General Grant came some fresh manifestation of hostility and unjustifiable oppression. Paid informers from the North, and traitorous sons of the South, labored to create the impression that the Southern mind was still full of hostility to the United States government, and was only biding its time for a repetition of the revolt of 1861. Ex-Governor O. P. Morton, in the United States Senate, assumed control of the "Bloody-Shirt" record, and each distorted report of misdeeds in the reconstructed States was rolled as a sweet morsel under his tongue. The sum and substance of the political creed of himself and his followers, had become nothing but vengeance and unrelieved hatred to the South. Like Thaddeus

Stevens, he was trembling on the brink of eternity, and yet was a stranger to all the peace and sweet charities of our nature. Everywhere but in Louisiana, South Carolina and Florida, the misrule and corruption of the "Carpet-Bag Republicans" had been overthrown. There the shameless and infamous returning boards reversed the result of popular elections, and still continued the carnival of misrule and speculation. If, as in Louisiana, the verdict of the people was too overwhelming to be disregarded by the returning boards, General Sheridan was sent with re-inforcements of United States troops, and defeated Governors were restored to control, and lawfully elected Democratic Legislatures forcibly dispersed to make room for vile creatures, who had made political crime a trade, and had, for years, fattened on the misery of undone commonwealths. Slowly as one who emerges from a great delusion, the mind of the North was coming to a knowledge of the truth. Hatred, malice and vengeance were gradually giving place to better dictates, and with gratitude to God, the trampled men of the South awaited the slow approach of their coming deliverance.

With the coming of 1873, there was much to cheer the long deferred hopes of the people of North Carolina in the aspect of social and political affairs. Energy and skill were fast removing the traces of the late war, and wealth was flowing into the coffers of the masses. As a general thing the large slaveholders of old and owners of extensive farms, were still involved in financial distress, but the great body of the people were realizing larger incomes than at any previous period of our history. Until 1848, the whole taxation for the State government of North Carolina did not much exceed seventy thousand dollars a year. In 1874, Mecklenburg county alone paid in taxes ninety-eight thousand dollars. A year before this the United States internal revenue of the Fifth District, on tobacco alone, amounted to four hundred and forty-three thousand seven hundred and six dollars and thirty cents. The internal revenue of this same district on tobacco for January, 1874, amounted to eighty thousand dollars. That of the Fourth District for February of the same year, was

fifty-three thousand dollars. In the year 1873, four thousand bales of cotton were shipped directly from Wilmington to Europe, and in the month of January, 1874, fourteen steamers, ten barques, thirteen brigs and twenty-two schooners entered that port. The county of New Hanover paid, during 1873, thirty-nine thousand four hundred and forty-six dollars and twenty-two cents State taxes. The single county of Warren paid for concentrated fertilizers two hundred and fifty thousand dollars. The agents for guano and life insurance reaped a golden harvest in North Carolina, and received a large proportion of the State's earnings. Cotton had been immensely extended in its cultivation since the war, and required a richer soil for its profitable production. Edgecombe county in 1873, produced eighteen thousand three hundred and sixty-one bales, and its farm lands were assessed at three million three hundred and fifty-two thousand four hundred and seventy-one dollars, being a greater value than in any other county of the State. The total value of farm products for 1873, was fifty-seven million eight hundred and forty-five thousand nine hundred and forty dollars. The white population, by the census of 1870, amounted to six hundred and seventy-eight thousand four hundred and seventy; colored, three hundred and sixty-one thousand five hundred and thirty-three; and Indians, one thousand two hundred and forty-one.

CHAPTER XII.

A. D. 1874 TO 1876.

Political movements—General Butler and the Civil Rights Bill—Edenton District Convention—Major Yeates—Judge Eure and others—Congressional elections—Messrs. Waddell, Davis, Ashe, Robbins, Scales and R. B. Vance—General Assembly of 1876—Convention called—Death of Governor Caldwell—Colonel Pool and “Our Living and Dead”—“News” and “Observer”—Siamese Twins—Millard Fillmore—Governor Clark—Democrats carry House of Representatives—Life-saving stations on the coast—Internal water-line—Storm and inundation—Election law—Charlotte Centennial—Results of their deliberations—Death of Judge Boyden—Appointment of Judge Bynum—Judges Settle and Dick—University revived—Deaths of J. W. Holden, F. B. Satterthwait, James T. Morehead, N. W. Woodfin and Andrew Johnson.

The Democrats of North Carolina participated in the zeal and hopefulness characterizing the movements of that organization throughout the nation. The disregard of the Republicans of the sanctions of the Federal Constitution, their persistent hostility to the South, above all their wanton malignity in advocating the Federal statute known as the Civil Rights Bill, were held up to the execration of the people in every portion of the nation. Benjamin F. Butler and men of his ilk were not satisfied with arming the recent slaves with the elective franchise, but, in disregard of constitutional rights of the States, were seeking to humiliate Southern white people by a legally enforced social equality. Perhaps, in all the ages of the past, the long story of human resentment has not furnished a parallel to the cool atrocity of this proposition. They sought to compel the companionship of white people and negroes not only in places of public entertainment and travel, but in the schools, colleges, churches and the very grave-yards of the land. The manhood of the Southern people took fire at the proposed insult. Though crushed in the field and wearied by the oppression of subsequent

years, they rose in the consciousness of fresh injury to resist by every appliance within their power this new engine of tyranny and misrule.

Clinton L. Cobb of Pasquotank, had been for three terms a member of the United States Congress. Like John Pool in the Senate, he had been an instrument in the hands of our enemies for the persecution and oppression of the Southern people. When challenged by Major Yeates to defend his record before

A large body of the Democrats of the First Congressional District of North Carolina assembled in convention during the month of May at the ancient town of Edenton. It was the largest and most enthusiastic political conclave that had been seen for twenty years in the Albemarle country. Colonel William F. Martin of Pasquotank, was made President. He was still the ideal of Christian gentlemen. His pure and meek spirit communicated its aroused enthusiasm to the assembled multitude, as he recounted the story of the past, and warned his hearers of fresh outrages in preparation by the foe. The leading object of the Convention was to select a candidate to represent the intelligence and wealth of our people in the Congress of the United States.

Majors Jesse J. Yeates of Hertford, and Lewis C. Latham of Washington, were brought forward by their friends, and were the favorites on the first ballot. Captain Octavius Coke of Chowan, Colonel D. D. Ferebee of Camden, and General W. P. Roberts of Gates, had supporters, but transferred their strength to Major Yeates ere the count could be announced, and he was declared the choice of the Convention as their candidate for Congress in the First District of North Carolina. Captain Mills L. Eure of Gates, was, at the same time and place, re-nominated for Judge of the Superior Court in the Edenton Circuit, with James P. Whedbee of Pasquotank, for Solicitor in the same court. Thomas R. Jernigan of Hertford, and William B. Shaw of Currituck, were made candidates for the First Senatorial District.

Major Latham, now of Pitt, is the oldest son of Charles Latham of Washington. He inherited his father's patriotism and intelligence. Having, in early youth, left his studies at Chapel Hill to answer the State's call to arms he soon gained position as a soldier, and has since attained eminence at the bar, with equal prominence as a champion of Democratic principles. Captain Octavius Coke is one of a large family of stalwart sons reared at Williamsburg, Virginia, and now widely scattered and useful in the different States. Governor Coke of Texas, at present in the United States Senate, is one of these. Drs. George Coke of Perquimans, and Lucius Coke of Martin, with three others still in the State of Virginia, once constituted the household of a Virginia patriarch. Captain Coke has won great consideration by his ability, eloquence and fine social gifts. He married Bettie Wood of Edenton, and was so unfortunate as to lose her in the bloom of early womanhood.

the people, he shrank from the canvass, and almost entirely left the field to his Democratic competitor, and Dr. Edward Ransom of Tyrrel, who was running as an independent Republican candidate. The contest resulted in the election of Major Yeates and a complete disappearance of Mr. Cobb from the political arena.

A similar result followed in six other districts of North Carolina. Messrs. Waddell, Davis, Ashe, Robbins, Scales and R. B. Vance saw but one Republican colleague upon their arrival in Washington. This was John Adams Hyman of Warren, a colored man, who had succeeded Judge C. R. Thomas. In the First Judicial District Captain Eure overwhelmingly defeated his competitor, Judge J. W. Albertson; as did J. P. Whedbee, Willis Bagley of Perquimans, for Solicitor. Hertford county had been recently detached from the First and added to the Second Judicial District. In the latter Louis Hilliard of Pitt, was this year elected Judge. He and Judge William A. Moore were both Republicans, and both presented themselves as the lawful Judge at the Fall Term of Hertford Court. Sheriff Isaac Pipkin recognized Hilliard as the lawful incumbent, and he accordingly presided, but was ousted on *quo warranto* before the Supreme Court. Joseph J. Martin of Martin, was continued, as he had for six years past been Solicitor, and made troops of friends by the fairness of his prosecutions and the excellence of his temper and deportment.

The General Assembly convened as usual in November. Colonel R. F. Armfield of Iredell, was selected as President of the Senate. He had made reputation as a soldier in the war, and was prominent as a jurist in the Western courts. The leading Democrats in this body were Messrs. Jernigan of Hertford, Charles M. Busbee of Wake, James T. Morehead of Guilford, R. P. Waring of Mecklenburg, and Major William A. Graham of Lincoln. Mr. Busbee is a young lawyer of unusual promise, who bids fair, with his brother Fabius H., to emulate the legal renown of their ancestors. They are sons of the late Perrin Busbee of the Raleigh Bar, and the grandsons of James F. Tay-

lor of Wake, who was Attorney-General in 1825. Major Graham is the oldest son of that illustrious man whose name he bears, and is endowed with many of his father's talents and virtues.

James L. Robinson of Macon again presided in the House of Representatives. Messrs. Bennett of Brunswick, Tate of Burke, Means of Cabarrus, Gudger of Madison, and Strong of Wake, were men of mark among the Democrats in this body. The most important act of this Legislature was the calling of a limited Convention to effect specified alterations in the State Constitution. As in 1835, certain portions of the organic law were to be considered sacred from all change, and the members elected were required to take an oath to carry out such provisions before entering upon the discharge of their official duty. Their late defeat in the State on a similar proposition had not been forgotten by the Democrats, and there were some of their number who seriously distrusted the result of any proposal to hold a Convention. But wise counsels prevailed over this timid policy, and the time was near at hand when many legacies of military interference and "Carpet-bag" domination were to be forever abolished from the organic law.

Governor Tod R. Caldwell died at Hillsboro, July 11th, and was succeeded in office by the Lieutenant-Governor, Curtis H. Brogden of Wayne. The messenger who went to announce this new accession to his dignity, is said to have found him, like another Cincinnatus, laboring at his plow-handles. If not endowed with great qualities, Governor Brogden soon evinced a virtuous and amiable disposition in his rule, and as Chief-Magistrate of North Carolina he was above reproach.

Colonel Stephen D. Pool of Craven, was elected by a considerable majority Superintendent of Public Instruction. He had been, for a year past, in the conduct of a journal entitled "*Our Living and our Dead.*" This periodical was mainly devoted to illustrating North Carolina's part in the recent war between the States, and was deservedly held in repute for its praiseworthy and patriotic objects. The Metropolitan press had been, some

years before, re-inforced by the "*Raleigh News*." Another Democratic organ in place of the defunct "*Sentinel*," was in "*The Observer*," edited by Colonel William L. Saunders, late of the "*Wilmington Journal*," and Major Peter M. Hale. It revived the name of a periodical published in Fayetteville before the war, which was greatly esteemed for its wisdom and moderation.* A large increase of intelligence and propriety was developed in these two Democratic dailies to what had been seen in the conduct of previous newspapers located at the State capital.

At Mt. Airy in Surry county, the famous Siamese Twins, Chang and Eng Bunker, had married many years before, and had there resided with their growing families. One of them sickened and died on the 17th of January, and was, in a few hours, followed by his unfortunate brother, for whose relief science was powerless, because of the connecting mass of flesh which bound them together. The uniform opinion of medical savants who had examined them, had pronounced separation impossible, and thus the doomed survivor was left to his fate.

The Southern people were pained in the death of Millard Fillmore, ex-President of the United States, who died in Buffalo, New York, March 8th. Like Franklin Pierce, he was unbending in his integrity, and amid all the vicissitudes and passions thronging the political atmosphere by which he was surrounded, he was the consistent friend and apologist of the trampled people who, in years past, had so greatly honored and respected him. He was a relict of the purer age of our Republic, and in his noble life was a reproach to the venal successors degrading the places of his former occupation.

On February 21st, ex-Governor Henry T. Clark died at his place in Tarboro. He graduated at Chapel Hill in 1826, along with General D. M. Barringer, Rev. Dr. S. I. Johnston

*The Fayetteville *Observer* was under the conduct of the wise and excellent Edward J. Hale, Sr. He was born in Moore county in 1802. Since the war he has resided in New York as a book-publisher, and has been greatly beneficent to Southern literature. A virtuous life, a sleepless prudence and a large understanding have given him such reputation as redounds to the fame of the mother State he yet evidently loves.

and others. He was a man of much literary culture and the utmost purity and amiability of life. He did not evince the highest executive abilities, but was still greatly respected as the Chief-Magistrate of our State—in the most trying emergency of all its history.

The year closed in amid the thanks of the people for abundant crops and brighter political aspects. A great Democratic majority in the National House of Representatives gave assurance that hostile legislation was for awhile arrested in Washington City. General Butler and a host of his compeers had been defeated, and the State of Massachusetts astonished mankind in its selection of a Democrat as Governor of a Commonwealth to whose invention a majority of Southern ills could be directly traced. The long spell of Republican domination was broken and their opponents, after years of defeat, at last began to see the beginning of the end.

The sea-coast of North Carolina for three centuries has been a terror to all civilized mariners. With its projecting capes, sweeping eddies and shallow inlets, it offers certain destruction to any great ship becoming unmanageable in the grip of the furious northeasters so prevalent in our latitude. Since the days of Amidas and Barlow countless wrecks have vainly occurred, so far as any remedy had been applied beyond the erection of a few light-houses. The Federal government in 1874 established ten life-saving stations amid those dreary sand hills, in full sight of which so many perishing sailors had hopelessly shouted for help. These stations have been recently increased to fifteen, and are furnished with surf boats, mortars for throwing lines over stranded vessels, life cars, custom lights, rockets, signal-flags and other conveniences for the preservation of the unfortunate men who may be rescued from a ship aground amid the pitiless rage of the breakers. A misguided economy has been disbanding the crews during the Summer and Fall, and only reassembling them after the month of December has set in. The great disasters attending the United States sloop *Huron*, and the steamship *Metropolis*, in the month of November, 1877, wherein so many lives were lost, show that the management is defective.

On December 27th, N. H. Bishop of Quebec, arrived in our sounds, having navigated a paper canoe all the way from the waters of the St. Lawrence River, purely by inland communications. With but reasonable expense an inland route can be opened which would allow such a voyage to be continued without recourse to the sea, on to the Gulf of Mexico. It is not improbable that with the subsidence of sectional animosities and a fuller appreciation by the United States Congress of Southern commercial necessities, that a great interior water way will yet be developed, and the vengeful sands of Hatteras be thus deprived of their long enjoyed privilege of ruin and death.

The early days of 1875 were signalized by storm and disaster in North Carolina. Late in February, the Yadkin River rose to within ten feet of the North Carolina Railroad bridge; the Roanoke was fuller than at any time since 1873; the Tar River, in Edgecombe, almost reached the high water-mark of June, 1867. Great damage was done to mills, dams and bridges. The middle counties of the State, on March 20th, experienced a violent hurricane which swept from West to East. In Pittsboro, the whirlwind showed additional terrors in a water-spout, which burst upon and deluged the town. In Wake, there was great destruction of the trees, and the towns of Greensboro, Hillsboro, Durham, Morrisville, Forestville, Louisburg and Tarboro were all injured by its violence.

The General Assembly adjourned March 22nd. In addition to the Convention Bill, there were other useful statutes enacted. Experience in the late Presidential election, had shown that North Carolina, in the fact that her polls were opened before those of any other State, at the close of the State canvass exposed our people to the corrupting influences of Federal bribery and intimidation. To avoid this evil, it was provided that hereafter all State elections should occur on the same day with that of the electors for President and Vice-President of the United States. A new act amended the law against usury; another established an additional Insane Asylum at Morganton for the white people, and one at Wilmington for those of color; another

forbade the sale of cotton at night in less quantity than a bale; another provided against frauds in the sale of commercial fertilizers.

On May 20th, occurred the centennial celebration at Charlotte of the anniversary of the Mecklenburg Declaration of Independence. On the 11th Governor Brogden had issued his proclamation recommending the observance of the day as a general holiday, and there was an immense assemblage, civic and military, to do honor to an event so memorable in American history. As many as thirty thousand people were estimated to be upon the grounds. They were under the charge of General W. R. Cox, as Chief-Marshal. The opening address was by ex-Governor William A. Graham, whose ancestors had been so prominent as actors in the celebrated transaction. Major Seaton Gales of Raleigh, read the Mecklenburg Declaration, and then His Honor Judge Kerr of Rockingham, Judge of the Sixth District, proceeded, as orator of the day, to illustrate the virtues of the dead heroes who made themselves famous just a century before; and to sustain his long-established reputation for eloquence. John Bright, a distinguished member of Congress from Tennessee, ex-Governors Thomas A. Hendricks of Indiana, Gilbert C. Walker of Virginia, and Z. B. Vance of North Carolina, also made addresses; as did the Chief-Executive of our State and Governor Chamberlain of South Carolina.

In pursuance of the recent statute, a commission consisting of Dr. Eugene Grissom* of Wake, Dr. Nereus Mendenhall, ex-Governor Graham, Dr. Marcellus Whitehead of Rowan, and

*NOTE.—No medical man in the history of North Carolina has exhibited larger intelligence than Dr. Grissom. Not only as a most skillful physician, but as a politician of consummate strategy, has he made his mark in our annals. Alone of his party associates, he has, in virtue of great intelligence and popularity, continued to hold his position as Superintendent of the Insane Asylum. In latter years he has refused all solicitations to re-enter the political arena, where he had so rapidly won distinction, and is now laboriously engaged in the discharge of duties tending to the relief of the unfortunates committed to his charge. Dr. Grissom married Miss Bryan of Pender, and is blessed with a most interesting family.

Colonel Thomas G. Walton of Burke, selected and purchased a site for the Western Insane Asylum, and commenced operations for its erection at a point one mile and a half from the town of Morganton, in the county of Burke.

The month of August was remarkable for the coolness of its temperature. There was much rain, and the thermometer exhibited a mean of but seventy-three degrees of heat above zero. The elections occurred on the 5th for delegates to the Constitutional Convention; which body assembled September 6th. It numbered one hundred and twenty members. Of these sixty Democrats, fifty-eight Republicans and two Independents had been elected. To the sorrow and dismay of his friends, ex-Governor Graham, one of the members elect, died August 10th, at Saratoga Springs, in the State of New York, whither he had gone as one of the arbitrators between the States of Virginia and Maryland in the matter of their disputed boundary. No citizen of North Carolina ever received at his death such distinguished testimonials of public regard. A public meeting was held at Raleigh, and a committee sent to Weldon to receive the body of the dead statesman. Upon the arrival of the remains at Raleigh, after lying in state in the rotunda of the Capitol, they were conveyed to Hillsboro and interred amid the assembled deputations from different towns of the State. The death of Governor Graham and the failure of Governor Brogden to order an election of his successor in Orange county in time for the assembling of the Convention, produced consternation among the friends of Constitutional reform. Dr. Edward Ransom of Tyrrel, who had been a Republican, but was elected as an Independent, avowed himself favorable to the desired alterations of the Constitution, and the Democrats, in gratitude, elected him President of the Convention. He was not of similar proportions with the great men whom North Carolina had in times past placed in such distinguished positions, and only the emergency of the occasion justified his election above the prominent statesmen who sat as members in the body of the House. General T. L. Clingman and Colonel David Coleman of Buncombe, ex-Governor D. S.

Reid of Rockingham, with Messrs. John Manning of Chatham, L. M. McCorcle of Catawba, T. J. Jarvis of Pitt, and F. E. Shoher of Rowan, were all Democrats of ability and long experience in deliberative bodies. Among the Republicans the most able were Judges J. W. Albertson of Perquimans, and A. W. Tourgee of Guilford, Dr. William Barrow of Northampton, General Rufus Barringer of Mecklenburg, and Colonel O. H. Dockery of Richmond.

The election in Orange, September 16th, resulted in the choice of W. N. Patterson, a Democrat, and thus a working majority of one or two members was at last obtained. The terms of the legislative act limiting the work of the Convention were faithfully complied with. Some dissatisfaction was felt in the eastern counties at the result of the work, but considering the meagreness of the reformers' ranks and the fact of western preferences for certain things considered abuses in the east, the Convention accomplished all that could have been reasonably expected. The great evils known in those counties containing large colored populations, had been the election by the people of unworthy and incapable officers as Justices of the Peace and County Commissioners. The Constitution was so altered that the election of magistrates was re-committed to the Legislature, and to the same body was entrusted the power to pass such enactments as were proper concerning the re-establishment of County Courts and the choice of Commissioners. The number of the Judges of the Supreme Court was reduced to three, and those on the Circuit Bench to seven, and they were required to rotate in a regular order over the different Judicial Districts of the State.

At last North Carolina had really reconstructed the thing of shreds and tatters known as the "Canby Constitution." It was at best a patch-work and piracy from other States, and foisted upon us by Federal bayonets and the self-seeking adventurers who swarmed into North Carolina in the hour of her adversity.

Nathaniel Boyden of Rowan, who had been appointed to the Supreme Court Bench on the reception of Judge Settle's commission as United States Minister to Peru, had died, and was suc-

ceeded by an able jurist in the person of William P. Bynum of Mecklenburg. Upon the transferring of Judge Dick to the United States District Court of Western North Carolina, and the re-appearance of Judge Settle in the State, he was re-appointed to the bench from which he had lately resigned.

Among the new amendments to the Constitution was one in relation to the University of the State, at Chapel Hill. That ancient seat of learning had been effectually crushed under the management of the Republicans. Rev. Solomon Pool, a brother of the late Senator, and a graduate of the class of 1853, had been for years nominal President of the institution. He clung to his *Alma Mater* even after slaying her, and found consolation in his salary for all the ruin wrought by his party upon the noblest public work ever reared and fostered by the State. The shades of Presidents Caldwell and Swain left him in the undisturbed possession of the magnificent solitude he had helped to create, and as the years went by, it seemed that the curse of the stranger and recreant natives was to forever abide upon that prolific nursery, from which had proceeded so abundantly in the past, an unceasing line of illustrious statesmen, jurists and divines. A new Board of Trustees was elected, and on September 6th the recently selected Faculty was formally installed in the renovated buildings. About fifty students were in attendance to join the classes, and the great work of redemption most fully and successfully inaugurated.

The State was saddened in the loss of prominent men in every portion of its borders. Joseph W. Holden, son of the ex-Governor, Mayor of the city of Raleigh and Speaker of the House of Representatives, died January 21st. F. B. Satterthwaite of Beaufort, long a leader at the Washington Bar, died March 23rd. In Greensboro, James T. Morehead, for many years eminent both as lawyer and politician, came to his death May 4th, and was followed, August 14th, by his legal compeer, Ralph Gorrell, of the same city. Nicholas W. Woodfin of Buncombe, likewise went the way of all flesh, May 20th. He and his unfortunate brother, Major John W. Woodfin of the Second

North Carolina Cavalry, had been men of mark for a great while amid the mountains, and were largely respected throughout the State. Colonel James W. Hinton also died at his new home in Norfolk, Virginia, February 24th, and Andrew Johnson, Esq., late the President of the United States, closed his earthly career at Greenville, Tennessee, July 31st.

CHAPTER XIII.

A. D. 1876.

North Carolina recovers her lost autonomy—Population and valuation of property—United States Internal Revenue—State revenue—Wilmington, Raleigh, Charlotte and Durham—The Centennial Celebration at Moore's Creek—Captain Samuel A. Ashe—Methodist Centennial at Raleigh—Colonel Walter Clark—Chapel Hill Commencement—Colonel Alfred Moore Waddell—Kemp P. Battle, President of the University—Fourth of July celebrations—The Philadelphia pageant—Dr. William Hooper—Editorial Convention at Raleigh—Vance and Jarvis—Settle and Smith—Great victory to the Democrats—Tilden and Hayes—General Hampton—Excitement and importance of the canvass—Assembly of 1876—Legislation as to the Courts—Death of A. W. Venable—The great Presidential fraud—General Grant as President—The danger of civil war—The High Commission—Retreat of the "Carpet-Baggers"—The South redeemed.

This narrative has now reached the year of its conclusion. In 1876 the wilderness discovered by Amidas and Barlow three centuries ago had grown into a great Commonwealth. After surpassing their heroism in the late war by years of patient and persistent resistance to Federal oppression, North Carolina had largely resumed her autonomy lost in 1868. With a population of one million one hundred thousand souls and a total valuation of property at one hundred and sixty-two millions five hundred and forty-six thousand and twenty-three dollars, the State was paying, by internal revenue, in the United States Treasury, one million seven hundred and twenty-nine thousand nine hundred and eighty-four dollars in addition to the amount realized by foreign imports. The aggregate of State disbursements for the same year amounted to five hundred and eighty-nine million seven hundred and seventy-six thousand and seventy-five dollars, to which are to be added forty-three thousand six hundred and seventy-seven dollars and eight cents of School Fund collected, and besides all this a large unascertained amount was expended for county purposes. The Auditor's report ex-

hibited a gain of twelve million five hundred and ninety-two thousand six hundred and sixty-two dollars in the valuation of property in 1875, over that of the preceding fiscal year. The city of Wilmington numbered about twenty thousand inhabitants, which was double the number known in 1860. Raleigh and Charlotte were next in importance, and had each reached a total of about ten thousand souls.

The traces of the late war were at this time being rapidly obliterated. In spite of limited banking facilities allowed North Carolina under the United States statutes regulating the distribution of capital in that form of investment, there was a general increase of wealth in every portion of the State. Raleigh had doubled its limits at the time of the breaking out of the war. Stately buildings with iron fronts were being erected along Fayetteville and other streets. The two brothers, W. H. H. and Rufus S. Tucker,* A. Creech, W. C. & A. B. Stronach, E. J.

*NOTE.—This mercantile firm has become historic in the State for many reasons. In duration, repute and pecuniary success it has had no rival in all our annals. In 1815, amid the joyful ringing of the bells for the return of peace, almost at the same instant with the reception of the glorious news from New Orleans, Ruffin Tucker, then on the threshold of manhood, came to Raleigh and began commercial operations as a clerk for Southey Bond. This founder of a house which is now so great and prosperous, initiated his fortunes by serving for the first year at the humble rate of twenty-five dollars for his twelve months of faithful labor. Three years later, with his brother, William C. Tucker, as a partner, and with a capital of one hundred and twenty-five dollars, he began business in a store of their own. This was a frame building of small dimensions, and occupied the exact site of the elegant and imposing structure now known as Tucker Hall. Ruffin Tucker remained as the partner of his brother for ten years, when they each for himself set up a separate establishment. Success attended both, but in the case of Ruffin fortune was so benignant that after abundantly educating his children he had the means to indulge a gracious and beneficent spirit of public and Christian charity. His zeal and liberality as a member of the Methodist Episcopal Church was as marked as it was unfailling. Thus devout in his faith and reproachless in his dealings with men, he waxed continually richer in worldly means and the public regard. In 1839 his eldest son, William Henry Haywood Tucker, having prosecuted a partial course at Randolph-Macon College, was received

Hardin and others were fast extending the mercantile operations previously known. In nothing was an increased trade and prosperity more clearly seen than the establishment of the Cotton Exchange. Raleigh had been unknown as a market for sale of this staple until 1868, but the time was rapidly approaching when forty-five thousand bales were to be disposed of at this point. Three banks of discount were established and the sleepy streets of old were thronged with bustling and eager crowds. John G. Williams, Jonathan M. Heck, Jefferson Fisher, William H. Holleman, William Grimes, Judge Fowle and others, were increasing the capital used and greatly beautifying the place already so richly adorned by hand of Nature. The stately Capitol found a rival in the Federal building, which was built of granite quarried in the State.

The female schools known as St. Mary's, Peace Institute and the Baptist Seminary were supplemented in the fine Graded School, under the management of the city. Shaw University and Estey Seminary were established, mainly by the generosity of two Northern philanthropists, whose names they bear, and are largely beneficial to both sexes of the colored race.

as a clerk into the store, and seven years later become a partner. Colonel Tucker soon evinced his great efficiency in all the ramifications of his business. He was then as now, popular, discreet and continually fortunate in his ventures. Of infinite *bouhomie*, he is yet as watchful as Cerberus in all that his business requires, and is proverbial for his strict abstinence from everything properly concerning other people.

In 1851, the good man, Ruffin Tucker, was gathered to his fathers, leaving three sons. Rufus Sylvester Tucker had recently graduated at Chapel Hill, in 1848, and with his brother, Dr. J. J. W. Tucker, who also graduated at Chapel Hill in 1847, as a silent partner, entered the business with the survivor of the late firm of Tucker & Son. Dr. Tucker possessed the amiability and comeliness of his family, but was never active in mercantile affairs, and died on the very threshold of his manhood. Rufus Tucker had given earnest of future usefulness at Chapel Hill, where he formed many friendships and gained the good will of all his associates. He soon became the complement of his brother in the masterly management of their growing business, and in their affectionate and cordial co-operation in all subsequent years are fit paragons for the imitation of all other brothers in the land. Not only in their great mercantile ventures, but in real and personal investments of all kinds, they

In the town of Durham was the most remarkable instance of sudden growth in the history of the State. In 1868 the population was two hundred. It had reached three thousand in 1875, and the value of property within a fraction of three hundred thousand dollars. The growth of this town is almost wholly the result of the enterprise of a few active business men, who after the close of the war, engaged in the manufacture of tobacco. The North Carolina Railroad had years before been open for traffic, but in the old slave-holding days only a little of the capital realized in agriculture went in any other investment than the increase of laborers. A few wise and wealthy men had begun the spinning of cotton yarns and the weaving of coarse fabrics from such material. Not only was a mighty improvement to be given to agriculture, but in the erection of large factories. The case of Durham was to be the exemplar in this direction. W. T. Blackwell & Co. were the pioneers in this work. One of the marvels of growth and improvement is seen in the history of this firm. So unlike anything else in all the previous history of North Carolina, and so significant of the future prosperity of our people, it is thought proper to give some of the details concerning this manufacturing company, that is so recent in origin and singular in the measure of its success.

have uniformly joined their risks and shared their profits. In their harmony and regard for each other's weal they realize the legend of the Jewish brothers, who happily stumbled into knowledge of a mutual attempt at midnight to increase a brother's but diminish his own supply of corn.

Just previous to the war they greatly distributed the wisecakes by largely adding to their facilities by enlarging their storhouse to dimensions twice as large as any other then in Raleigh. Their business has grown with an unceasing accretion, with only an interruption of their dry goods trade for the two last years of the late unhappy war between the State. In 1867, with Governor D. L. Swain as orator of the occasion, their magnificent establishment known as Tucker Hall, was dedicated to public uses. This edifice is yet unequalled of its kind in the State, and rivals the proudest structures of the "merchant princes" in the greatest commercial centres. Its vast capacity is fully taxed with the supplies necessary to fill the demands of trade in valuing annually many hundreds of thousands of dollars in its prosecution. Colonel Tucker has never married, but his more fortunate brother having espoused, in 1856, Miss Florence E. Perkins, is blessed with a large and lovely family.

Men who open new avenues of public wealth and build up cities where lately was a wilderness, are more deserving of historic mention than a majority of warriors and statesmen. No bloodshed and public calamity help them to fame, but in all true wisdom and beneficence, they are the peers of the greatest heroes, and as deserving of historic record in the annals of the Commonwealth. The Southern States have been prolific in men devoted to political and professional duties. In this respect an equal degree of excellence has ever been seen among them as was observable in the communities north of the Potomac, but in those qualities of judgment and action which create wealth and add to the real sources of material power in the Commonwealth, we have all along manifested much inferiority to our Northern compeers.

During the late war between the States one J. R. Green dwelt in the little hamlet known as Durham Station, in the county of Orange, and carried on a business in the preparation of granulated smoking tobacco. This work was done by hand and had attracted a local notice from the excellence of the article prepared. In 1865, when the army commanded by General Joseph E. Johnston had retired to Greensboro, before that of General Sherman, Durham was neutral ground between the United States and the Confederate forces. Mr. Green, no doubt, esteemed it a great misfortune that the soldiers of both armies confiscated to their individual use the few thousand pounds of fragrant tobacco found ready for their pipes in this little railroad village. This seeming loss and disaster was in reality a great, though concealed, blessing. It scattered among men of many States the knowledge that at Durham was to be found an article of luxurious enjoyment, which has now become a favorite with whole nations of men, and which is fast reaching the remotest nooks visited by the agents of trade and commerce.

William Thomas Blackwell, in 1868, in connection with James R. Day, purchased one-half the interest in the business conducted by J. R. Green. Mr. Blackwell, then twenty-nine years of age, had acquired great skill in the grading and valuation of differ-

ent qualities of tobacco grown in North Carolina and Virginia. With the exception of two years, devoted to teaching, his whole time had been given to handling and selling the fragrant weed. He had acquainted himself with the rudiments of knowledge needed in his future grander operations, and he entered upon a career which was to give him a place among the foremost manufacturers of the country. To untiring energy he added the no less essential qualities of judgment and integrity. Bold in conception, he is yet tireless in the fulfillment of his designs. His intercourse with men is pleasant in the fact of his native kindness and vivacity, while a charity most unflinching, still further attests the benevolence of his disposition.

Mr. Green, who had originated the manufacture of what is now known as the "Durham Bull" brand, died in 1869, and the remaining partners bought of his heirs all interest he had possessed in the establishment. Mr. Day, like his partner, possessed abundant experience in the business they pursued, and by their joint efforts, the work was greatly and unceasingly increased.

A year later Julian Shakspeare Carr of Chapel Hill, was added as a third partner in the firm of "William T. Blackwell & Co." Perhaps in his broader preparation and rare financial abilities alone were the huge proportions of the business of this day possible. Mr. Carr had remained long enough in the three years he spent as a student of the University of the State to prepare him for grappling with problems of profit and loss involving an annual control of several millions of dollars. His experience as a Confederate cavalryman, and subsequently as a merchant, had given him many valuable lessons in the great volume known as human nature, and thus he brought qualities of inestimable value to a firm already so fully equipped in other essentials of human knowledge. Mr. Carr is the son of that worthy and reputable merchant, John W. Carr, who has so many friends in the thousands of students who knew him at Chapel Hill. No other young man ever known in North Carolina has devoted himself to trade and has yet so widely impressed himself upon the public affections. By simple devotion to his business

duties and to those arising as a layman in the Methodist Church, he is to-day one of the best known and most favored men of the State. By untiring and intelligent effort the great business grows constantly greater and more prosperous in his management of its exterior interests.

The State of North Carolina has never been given to any great facility in material advancement. The manufacture of plug tobacco has been for a great while of very general prevalence in many of the counties.

These establishments have been of small capacity and of still smaller reputation. The greater houses in Richmond and Lynchburg, in the State of Virginia, have been looked to as the source of supply for all those who demand such grades as have been put upon the market by Gravely and others. The log factories on the roadside, with a few wagons to travel and vend their commodities, were the immemorial representatives of tobacco manufacturers in North Carolina. Through all the eastern counties, and far into South Carolina and Georgia, on weary pilgrimages, continually went the tobacco peddlers in their covered wagons, until the strong arm of the United States internal revenue was thrust between them and their ancient profits, and now they are become a thing of the past. Until within the last few years, smoking tobacco was almost unknown as a manufacture for sale in our limits as a State. If made at all it was only in small quantities, and but for the supply of an exceedingly limited local demand. To the town of Durham and the firm of Blackwell & Co., the present great trade is indebted for its existence.

With the development of the business of W. T. Blackwell & Co., has grown *pari passu* the town of Durham. The little railroad village, so near the scene of General Johnston's surrender, has grown into a city of three thousand inhabitants. Some men have grown famous like Demetrius Polioreites, for the destruction of towns, but in the history of North Carolina, beside being entitled to remembrance as the founders of a new industry, Messrs. W. T. Blackwell & Co. may be fairly considered the creators of

Durham. To their liberality are the churches and other public institutions largely indebted, and in their five hundred operatives are found many of the citizens of the place. It would be an interesting and valuable piece of information to give the public the progressive steps by which the large establishment they now direct grew to its present proportions, but the author of this has not the information, and such minute particulars are not in keeping with the general tone of this work, which has necessarily been general in its treatment of the many facts and characters embraced in our annals as a State. Our commercial growth has been strangely neglected by those who have undertaken to give the story of our growth, but to Dr. Richard H. Gatling, who invented the revolving field gun, and to Blackwell & Co., we are more largely indebted for attracting foreign attention to our capacities as a people, than to any other men in our history. Not only in every portion of our own country, but in many foreign lands have their names become household words. The Zulus, the Afghans and a hundred other tribes yield in terror of the leaden hail the "Gatling" has given into the hands of civilized men, and at Bombay, in the far-off East Indies, and a thousand other localities, effigies of the "Durham Bull" attest the enterprize and success of these other North Carolinians.

In 1870 the amount of tobacco manufactured by the firm was merely nominal in quantity, but to show its enormous increase since that time, it had grown in 1875 to the extent of supplying a demand of one million five hundred thousand pounds. This amount has been constantly increased, until the expenses of the house is now eight thousand dollars a day. More than three millions of pounds of tobacco are now sold annually by the firm, and the great building continually increases in size and facilities. The manufactured tobacco is sold only to wholesale dealers, and the newspapers of a recent date report that a single operation in Chicago will bind the firm to deliver there by the end of four months, one million of pounds, for which the Northern purchaser has bound himself to pay five hundred thousand dollars.

The factory, which was erected in 1875, is a large and sub-

stantial structure, four stories high, and ornamented in front with a picture on an enormous scale of the talismanic and inevitable "Bull" which has created so much litigation over its unlawful use by others as a trade-mark. The recent additions more than doubled the size of the building, and continued additions are made to the machinery and grades of production. The elaborate preparation of the weed, the thoroughness of all the branches of weighing, bagging and packing in boxes and hundreds of things entering into the successful conduct of such a business, make the establishment a pleasing study to every visitor. The bags, boxes and labels, are all prepared at Durham. Printing presses and automatic machines are continuously toiling, and only silenced when the bellowing of the "Steam Bull" gives the signal for rest from labor.

It has been well said that he is a public benefactor "who causes two blades of grass to grow where but one was seen before." It is even of higher usefulness to inaugurate a new source of wealth in the ruin of a people's resources. North Carolina has been strangely neglectful of her true interests in failure to use the chances of improvement afforded by the erection of manufactures. The firm whose enterprise is here commented upon, are the pioneers in one direction, and it is to be hoped that the spirit they have evoked may continue until cotton mills, iron founderies and every species of manufactures may be found utilizing our raw productions and giving employment to and increasing the supply of human labor.

The one hundredth anniversary of the battle of Moore's Creek was celebrated at the memorable spot, February 28th. Amidst military and civic display the exercises were inaugurated, by a prayer offered by Rev. Colin Shaw. The orator of the day was Captain Samuel A. Ashe, then of Raleigh, but born and reared on the Cape Fear, and he is the son of the late William S. Ashe, whose kinsman, Colonel John B. Ashe, was a distinguished participant in the battle. Captain Ashe was educated in the United States Naval Academy, at Annapolis. He served with credit in the late war, and has achieved position at the bar.

On March 21st, the Methodist Episcopal Conference of North Carolina celebrated the Centennial of their Church in the State. The opening ceremonies were conducted by Rev. Junius P. Moore, Presiding Elder of the Raleigh District. Bishop Mc-Tyeré presided, and was assisted by Bishops Doggett and Marvin. Colonel Walter Clark of Raleigh, delivered an Address of Welcome. He was reared in Scotland Neck, and, at an early age during the late war, became commandant of a regiment of junior volunteers. Though possessed of wealth, Colonel Clark has been an assiduous and successful lawyer, and had then recently married the only daughter of Governor Graham. The North Carolina Methodist Conference included one hundred and fifty-eight traveling and two hundred and twenty-one local preachers, and a membership of fifty-four thousand one hundred and seventy-one. In this estimate, ten of the northeastern Albemarle counties are not to be counted as they belong to the Virginia Conference, as do others in the western part of the State to that of Holston. The Baptists of the State had seven hundred and fifty churches, four hundred and fifty ministers, and more than one hundred thousand members. The Quakers, three thousand nine hundred and forty-seven members. The Episcopal Diocese, at the same time, numbered two Bishops, fifty-nine Clergymen and four thousand three hundred and sixty-one Communicants. The Presbyterians also possessed a large and intelligent ministry and membership.

For the first time in many years, a great and intelligent concourse was seen at Chapel Hill, where the annual commencement began Wednesday, May 31st. The Baccalaureate sermon was delivered on Monday night, by Rev. Dr. Thomas H. Pritchard of Raleigh. The annual address before the Philanthropic and Dialectic Societies, was made by Colonel Alfred Moore Waddell of Wilmington. Colonel Waddell had been a gallant officer of cavalry in the war between the States, and, for several preceding years, had most creditably represented the Wilmington district in Congress. He is the son of Hugh Waddell of Orange, a prominent lawyer, and, at one time was President of the North

Carolina Senate. Colonel Waddell is descended from the best and most ancient blood of the State, and bears in his veins gifts from both the illustrious houses of Moore and Waddell. He graduated at Chapel Hill in 1853, and was Chairman of the House Committee on Post Offices and Roads. Colonel Waddell adds literary culture to political success, and is in every way worthy of his lineage. Judge Robert P. Dick made the address before the Alumni, and like his distinguished coadjutors just mentioned, was learned, eloquent and effective in his discourse.

At a meeting of the Trustees, at Raleigh, June 13th, Kemp Plummer Battle was elected President of the University. He had graduated there in the class of 1849, and, then though but eighteen years of age, stood at the head of his class. He was a tutor for several years preceding the war, but having married a daughter of the late James S. Battle of Edgecombe, he removed to Raleigh to practice law. As State Treasurer and President of several fiscal institutions, he has exhibited high administrative qualities, and like his father, Judge William H. Battle, he is learned, faithful and without the shadow of reproach.

The 4th day of July, for the first time since the beginning of the war, was generally celebrated by the people of the State.

In the magnificent pageant at Philadelphia, North Carolina had but few memorials of her greatness and renown. The General Assembly, in view of the State's financial embarrassment, had declined to make an appropriation, and the articles exhibited from our State, were collected wholly by individual enterprise. Dr. William Hooper, then in his eighty-fourth year, was in attendance as the representative and grandson of his namesake, who had signed the declaration a century before. This most venerable and illustrious man came back and died at Chapel Hill, August 19th. He had graduated there in 1809, and had been a professor subsequently. He left Chapel Hill to fill a chair in the State College of South Carolina, and was afterwards President of Wake Forest College, before assuming a similar position in the Chowan Institute.

Both political parties held State Conventions in Raleigh this

year. The Democrats met June 14th, and nominated a State ticket with ex-Governor Vance and Thos. J. Jarvis, late Speaker of the House of Representatives, as their candidates for the two highest executive offices in the State. The Republicans met July 12th, and brought out as opponents to the gentlemen just mentioned, Thomas Settle of Guilford, a Judge of the Supreme Court, and William A. Smith of Johnston, late a member of the Federal Congress. Perhaps, in no State canvass was there ever seen a more protracted and able contest. The utmost enthusiasm greeted Governor Vance in every portion of the State, and most brilliantly did he contribute to his fame as the foremost stump orator of the nation. Judge Settle, with his fine presence and oratory, made great efforts to repeat the success which had fallen to the late Governor Caldwell four years before, but all unavailingly: the State went overwhelmingly for the Democrats.

Major Jesse J. Yeates, with all his former colleagues, except John A. Hyman, who was replaced by Governor Curtis H. Brogden, was returned to the House of Representatives. With the two eminent statesmen then in the Senate, North Carolina presented a delegation at Washington unsurpassed by any State in the Union.

There was throughout the nation prodigious excitement attendant upon the great struggle for the Presidency. Governor Hayes of Ohio, by his prudence and blamelessness of life, was at once recognized by the Democrats as a formidable antagonist. He had not been identified with the harsh legislation and the corruption imputed to so large a number of the men of his party most prominent in Washington. Governor Tilden of New York, had already become famous in his crusade against the Tammany Hall and Canal rings. He had, for years, surrendered the great emoluments of his profession, and, as prosecutor for the public with the help of Charles O'Conner, had overthrown a gigantic conspiracy, which had grown strong in the acquisition of untold millions of public plunder. It was early seen that the South would vote very nearly solid for Tilden. It would require but little help in votes from the Northern States to elect him. Even

in South Carolina, the "Carpet-Baggers" were coming to grief in the thrilling lead of Wade Hampton, as he canvassed that State for the office of Governor. General Grant, as often before, attempted to sustain the failing fortunes of his partisans by a display of military force on the plea of apprehended violence and intimidation on the part of the rifle clubs. Large bodies of troops were sent to the Palmetto State to overawe the Democrats. In most instances these regulars of the United States army, like the curses of Balaam, turned into blessings, for they became infected with the spirit of the Southerners, and applauded the patriots in their struggle against ignorance and knavery.

It will be impossible for the men of the future to understand the anxiety and enthusiasm which pervaded the South in the great contest of 1876. By brave persistence the ignominy, wrong and ruin wrought upon the South by the reconstruction measures had been largely remedied. General Grant, in disregard of his duty, had persisted for years in upholding in Louisiana, South Carolina and Florida the misrule of the "Carpet-Baggers." He had disregarded the verdicts of popular elections, and when the people of a once sovereign Commonwealth repudiated the corrupt and shameless men then in office, his troops, backing up the returning boards, mocked at the cry for reformation. The Democratic majority in the House of Representatives dissipated all fear of Congressional oppression, and in the election of Governor Tilden was the promise of relief from the unlawful use of the army. A gallant people, goaded and oppressed, was slowly accomplishing their long deferred deliverance. The iniquity of 1868, by which Thaddeus Stevens and his coadjutors thought to permanently humiliate and control the Southern white people, was becoming a whip of scorpeons to its originators. Negro suffrage had added one-third more to the numbers of Southern representatives in Congress and the Electoral Colleges. "Vaulting ambition overleaped itself," and a benignant Providence had overruled the counsels of her enemies for the good of the South.

The Legislature met as usual in November. The Republicans

had but ten Senators and thirty-five Representatives. The late Speaker of the House, James L. Robinson of Macon, was a prominent Senator representing the Forty-second District; Captain Coke of Chowan, J. M. Bennett of Anson, H. B. Short of Columbus, John W. Graham of Orange, John W. Cuninghame of Person, J. I. Scales of Rockingham, and Thomas D. Johnston of Buncombe, were the leading members. In the House, most conspicuous, was Montford McGehee of Person. He has won position as a lawyer, and is even more admired for the singular elegance and blamelessness of his life. Captain Randolph A. Shotwell of Mecklenburg, late a victim of the Republican crusade against the Ku-Klux, was also a member of the House. He had possessed the admiration and sympathy of the good people of the State, when he had so nobly resisted the bribes and blandishments of those who having wrongfully condemned him to the Federal prison at Albany, then sought to make him an instrument of vengeance against his friends. With a Roman integrity he endured the wrong and clung to his manhood. To these may be added General W. P. Roberts of Gates, and the Speaker, Charles Price of Davie. These were Democrats. Among the Republicans were D. L. Russell of Brunswick, Willis Bagley of Perquimans, and T. R. Purnell of Wake.

There was a singular want of prominent and experienced statesmen in this Legislature, and to this fact may be attributed the lame efforts it made to carry out the important duties committed to its charge by the late Constitutional Convention. Instead of a return to the old County Court system it was ordained that in those counties wherein a majority of the magistrates so desired, a criminal tribunal called the "Inferior Court," might be established, which should have jurisdiction in all offences save murder, arson, rape, forgery, perjury and one or two others. It was a sore disappointment to most of the people and legal profession, that no civil docket was to be tried in these courts.

February 19th, A. W. Venable, in extreme old age, died at the place of his son, Colonel T. B. Venable, in Oxford. Burton Craige of Salisbury, had preceded him two months in his

departure from a world they had both contributed so much to benefit and adorn. On April 1st, Dr. Charles E. Johnson likewise died in Raleigh.

With the closing in of the Centennial year there was unspeakable anxiety as to the result of the struggle for the Presidency. A majority of electors favorable to the election of Governor Tilden had been chosen by the American people, but in the arbitrary and truculent movements of General Grant, was abundant evidence of his purpose to seat Governor Hayes without regard to the consequences. His two administrations had been the sorest trial to the distinctive features of American polity ever seen in our history as a people. He apparently felt an utter disregard for every maxim and precedent established in the past. He neither understood nor cared for the restraints of the Constitution. His first official act had been the appointment of A. T. Stewart, a merchant in the city of New York, as Secretary of the Treasury, though a statute, old as the administration of General Washington, expressly forbade any man holding the place while engaged in trade. In the same spirit he attempted, with an army officer as his agent, to negotiate the San Domingo treaty in defiance of the Senate, and being thwarted by Charles Sumner, punished him by procuring his removal from the Chairmanship of the Committee on Foreign Affairs. He so completely ignored and despised the reserved rights of the States, that he forgot military justice and etiquette in his treatment of General W. S. Hancock, who, as a military governor, did understand and respect the Constitution and the law in such matters. He upheld a policy which has driven American commerce from the seas, and now that trade which in 1861 sent our merchant marine to every quarter of the globe, is subordinated to that of even the feeblest maritime power. He pandered to the schemes of the capitalists until in contraction of the currency a complete stagnation of trade was threatening the whole land. Swarms of men have come to grinding poverty and are famished tramps for want of employment. Capital in every species of investment became insecure and experienced the inevitable shrinkage of value which

has been deliberately created for the benefit of the class so frequently denounced as "bloated bond-holders." It is as if a blundering surgeon should apply a ligature to the throat of his patient and thus produce congestion in the head and paralysis in the body and limbs. His public life was a long mockery of virtue and consistency. His creature, Babcock, was dragged from his very presence to answer an infamous charge for violating the revenue laws. Both propriety and the unbroken practice of all the Presidents had condemned the reception of gifts while in office, but General Grant was as insatiate as the horse-leech's daughters, and is amenable to the same censure as really belongs to the sullied memory of Lord Bacon. Like the Duke of Marlborough, his military services have outweighed his offences, but historians of the future will hold him mainly responsible for the perpetration of the foulest outrages ever accomplished in the name of freedom.

When the result became known in Washington, and it seemed certain that Samuel J. Tilden had been elected President, General Grant hastened to invite certain Republican leaders to go at once to Louisiana and Florida, to which points he also ordered every available soldier of his command. The Democratic press of the country at once divined and denounced the wicked and dangerous fraud to be consummated. Louisiana had gone by more than nine thousand majority for Tilden, but the returning board, which had been exposed and condemned so recently by the action of Congress, was still in existence, and it was determined between General Grant, John Sherman of Ohio, and the other "visiting statesmen," that the people's verdict should be reversed. Kellogg, Packard and Wells, though double-dyed in infamy, could not be relied upon in the performance of the work. The registrars and supervisors of elections grew appalled at the enormity of the false swearing and forgery required to bolster up J. Madison Wells and his associates in their perjured reversal of the real result.

This atrocious crime, which not only struck at the root of our liberties and threatened anew the horrors of civil war, was also

treason to the liberties of mankind. It is the most pregnant argument ever put into the mouths of monarchists as to the failure of Republican institutions. Yet there is evidence that, with the full consent of President Grant, it was conceived and urged on to completion by the visiting statesmen of the Republican party. Written guaranties of protection and promotion in some cases, and wholesale perjury and forgery in others, set at naught the wishes of Louisiana, as was to be the case in Florida.

The Southern people looked to Congress for redress against the wrong. Four years before, the vote of the State of Georgia, though regularly attested, had been thrown out and not counted by the Joint Convention of the two Houses of Congress. This precedent was repudiated, and while the Republican Senate did not deny the fraud in the cases of Louisiana and Florida, they still asserted that the action of the State authorities was final

NOTE.—Before concluding this, the last chapter of the work, I beg leave for an opportunity to express my thanks to His Excellency Governor Jarvis, and his Secretary, Captain Guilford Dudley, and to Lee S. Overman, Esq., the predecessor of the latter gentleman, for unnumbered kindnesses and courtesies extended to me in my tedious explorations of the archives in their possession. In the same way I have been laid under similar obligations by Colonel Frederick A. Olds, of the Adjutant-General's office. To Colonel W. L. Saunders and Mr. Edward B. Engelhard, I stand in like relations. Mrs. Robert H. Jones, ex-Governor Holden, Major William H. Bagley, Major R. S. Tucker, Thos. P. Devereux, Esq., Major Wm. A. Hearne and Colonel T. C. Fuller have all furnished me valuable documentary material, for which I am likewise profoundly thankful. It is not amiss that I again repeat my deep sense of gratitude for acts of patient and intelligent aid I have experienced at the hands of Sherwood Haywood, Esq., the State Librarian. He has been as tireless as efficient in finding whatever his library contained for my aid, and where this was not the case, has procured in time for my necessities the works needed on his shelves and in my own researches. Above all, to Eugene G. Harrell, Esq., I am most deeply indebted for active aid, intelligent counsel and most unfailing sympathy. To his fine judgment is due the absence of much that would have marred the symmetry and effect of this humble narrative, and of his constant companionship I shall have pleasant and unfailing remembrances. In the months consumed in the publication of this work and its predecessor, my stay in Raleigh has been brightened by kind words and smiles, for which I am sure I will be grateful through life, and of which I thus testify to that unknown posterity which will be some day perusing these pages.

and could not be reversed. The Democrats of the House threatened to resist the Republican schemes for declaring Governor Hayes President. General Grant ordered up his troops to Washington. War and confusion seemed inevitable until the creation of the joint high commission, when another opportunity was afforded the Republican leaders for repentance or infamy. They considered the Presidency and its patronage better than patriotism and a good name, and in Mr. Hayes' success wrote the death warrant of their future reputations.

The long and heroic struggle of the South was, at last, crowned with complete success. The campaign of 1876 had settled forever the fate of the "Carpet-Baggers." Packard and Chamberlaine followed the Federal soldiers, who had been so long their only support, and left but the odor of their bad names and deeds as a legacy to the people cursed with their misrule. The great doctrine of States rights and local self-government had been fully asserted, and the last vestige of the ignominious wrong perpetrated in 1868 existed but in the history of the past and the financial embarrassment of the plundered States.

CONCLUSION.

In concluding this narration, the author feels that in his treatment of the two last decades of our history as a State, the events have been too recent and his own feelings and interests too much involved for that dispassionate judgment, which only belongs to men of different eras from those in which such momentous transactions occur. Truth and justice have been most earnestly attempted, and, if not attained in the foregoing pages, the failure must be set down to that universal human frailty, which subjects every one more or less to the dominion of his prejudices. The people of the South are now almost universally rejoiced that slavery has forever departed from the land and that the colored race is clothed with those civil rights, which are necessary to its altered condition of life. Only in rare instances, can the white man be found, who would remand his colored neighbor to bondage or abridge the sum of his municipal privileges.

To reach such a conclusion has been the slow result of multiplied agonies and privations. That a high-spirited people, warmly attached to their distinctive features of government, and so immensely involved in their investments in slave property, should be first broken down by years of wasting war and then sedulously followed up until their whole system of social and civil life was disturbed, and yet show no resentment, would have been to suppose them worse than cravens. It may be philosophic and admirable for a minority, however respectable and intelligent, to submit without remonstrance to changes effected in their institutions by the will of a majority of the same people, ex-

pressed in the legitimate use of universal suffrage, but even then there are limits to human endurance, and the whole idea of a constitution or organic law is to prevent the oppression possible in such a contingency. Right is right, and a larger mass of voters never yet sanctified a wrong any more than the successful use of heavier battalions and superior resources in war.

In the eleven years which elapsed from the close of the war until the great verdict of the American people in 1876, there was not only constant occasion for apprehension of continued encroachments upon what was left of Southern autonomy, but the most flagrant and disgusting schemes of pecuniary plunder of the people. In North Carolina the creation of railroad stock, the authorization of the "special tax" bonds, and other jobs like the Penitentiary swindle, foreshadowed the possibility of universal ruin to the property-holders liable to taxation. It will scarcely be wonderful to posterity that the Southern men of our day should have felt indignant at the Northern adventurers and their native white allies, who were thus conspiring to rot the already impoverished people of the State. Alas! in this most shameful concatenation of villainies, the historian is as much at loss to reveal the whole truth as were the Bragg and Shipp fraud committees, and the courts of justice, which have sought to bring the offenders to justice and recover the plundered treasure of the Commonwealth. Milton S. Littlefield and George W. Swepson have been made the scape-goats of newspaper denunciations, but are yet unwhipped of justice. All that we or posterity will know, is that millions of dollars were heedlessly voted by the corrupt members of the General Assembly, and remorselessly stolen and squandered by the unworthy agents, who, as railroad presidents, were empowered to thus waste the credit of North Carolina.

In such a state of affairs, made possible in the erection of a close organization of the colored voters into a great secret society, with the superadded aggravation of a corrupt administration of criminal justice in the courts, it was not unnatural that counter-vailing measures should have culminated in the violence of the Klan. There has been in the history of the world no people more patient than the North Carolinians of the present era. They love justice and abhor unthinking violence. The whole habit and genius of the population are for the preservation of order and the vindication of personal liberty. If frenzied with apprehension or the perpetration of outrages, some of them took the law into their own hands and too harshly righted supposed wrongs, it was but the work of a small fragment of a great community that waited in all quietude through disheartening years for the coming day of deliverance. With the disbanding of the Confederate armies came the determination to a vast majority of the white men of the State to bear true fealty and allegiance to the government of the United States, and at no hour since has there been a change in this disposition. They hold it as the greatest of their possible beatitudes that the Union of the States and the Constitution creating it should be preserved intact. Their resistance in secession grew out of their well-grounded apprehension that the party which elected Mr. Lincoln would destroy the sanctions and checks of the national organic law, if not the very form and pretence of a Constitution.

“The mills of the Gods grind slowly.” A ruined and submissive race have not only in patient tribulation worked out their own deliverance, but they have so strengthened the hands of Northern statesmen, that men no longer boast in Washington like Thaddeus Stevens, of their disregard of its sanctions. The

members of all parties have united to crush the bloody phantom of a threatened empire, and they vie in protestations of zeal in support of that instrument which is in truth, the chief glory and only safe-guard of the American people. Respect and conformity with its provisions have ever produced blessings in their train, and only when it has been disregarded have contention and disaster been seen.

How do we need a stronger government? Is not life and capital as secure here as in Russia? Does despotism heal the evil of popular discontent? Ask of that ruler who so fearfully continues in the bare boon of existence at St. Petersburg, and no further answer is needed.

When conservative England is each year adopting reforms learned from us, and every other kingdom of Europe so rapidly becoming republican and not Cossack, what madness in us to dream of surrendering a charter which has made us the wonder and exemplar of so many nations. We neither need the "strong man" nor that increase of Federal power which is sought to the detriment of the individual States.

Our prosperity is becoming our greatest danger. So wonderful is the growth not only of the Republic, but of individual wealth of the people, that the millionaires, like sated epicures, are longing for new excitement in hereditary titles and public power. That any considerable body of the people should aid this movement against their own liberties, is a marvel which has had many precursors in the past, but is still wicked and inexcusable. That fifty millions of freemen should bow their heads to the dust and request a few money-changers and political gamblers to assume charge of their lives and fortunes, can only be the result of that madness which precedes swift and certain destruction.

The people of North Carolina, now that the days of their humiliation and disaster are gone, propose to cling to that great polity which commits to the general government the control of such matters as concern all the States, and yet leaves to the individual Commonwealths composing the Union, the proper regulation of their own internal affairs. They well know that in no other theory of rule can their own prosperity and the general good be so effectually subserved. They have nothing but good wishes for the welfare of their compatriots in other States, but will cling to the boon of managing their own household. With such a spirit controlling every section of the Republic there can be no imagination of the glory and prosperity yet possible for the American people.

THE END.

APPENDIX.

REGISTER OF CONTINENTAL TROOPS MUSTERED INTO THE SERVICE OF THE UNITED STATES, 1775 AND 1776.

FIRST BATTALION.

James Moore, Colonel; Thomas Clark, Major; Francis Nash Lieutenant-Colonel; William Williams, Adjutant.

Captains—William Davis, William Picket, Henry Dickson, Thomas Allen, Robert Rowan, George Davidson, Alfred Moore, John Walker, William Green, Caleb Grainger.

Lieutenants—John Lillington, William Berryhill, Hezekiah Rice, Joshua Bowman, Hector McNeill, William Brandon, Lawrence Thompson, Abraham Tatum, William Hill, Thomas Hogg.

Ensigns—Neil McAllister, James Childs, George Graham, Maurice Moore, Jr., Henry Neill, Robert Ralston, John Taylor, Berryman Turner, Henry Pope, Howell Tatum.

SECOND BATTALION.

Robert Howe, Colonel; John Patton, Major; Alexander Martin, Lieutenant-Colonel; Dr. John White, Captain and Adjutant.

Captains—James Blount, John Armstrong, Charles Crawford, Hardy Murfree, Henry Irwin Toole, Nathan Keais, Simon Bright, Michael Payne, John Walker.

Lieutenants—John Grainger, Robert Smith, John Herritage, Clement Hall, Edward Vail, Jr., Joseph Tate, William Fenner, John Williams, James Gee, Benjamin Williams.

Ensigns—Henry Vipon, Whitmel Pugh, John Oliver, Philip Lowe, William Gardner, Benjamin Cleaveland, James Cook, William Caswell, Joseph Clinch, John Woodhouse.

Dr. Isaac Guion, Surgeon to the First Regiment.

Dr. William Parton, Surgeon to Second Regiment.

Four regiments in addition to the two already raised were created, and as the Colonels of these, James Moore and Robert Howe, had been promoted to the rank of Brigadier-Generals in the Continental Army, the following appointments were then made :

| <i>Regiments.</i> | <i>Colonels.</i> | <i>Lieutenant-Colonels.</i> | <i>Majors.</i> |
|-------------------|-----------------------|-----------------------------|-------------------|
| 1st, | Francis Nash, | Thomas Clarke, | William Davis. |
| 2d, | Alexander Martin, | John Patton, | John White. |
| 3d, | Jethro Sumner, | William Alston, | Samuel Lockhart. |
| 4th, | Thomas Polk, | James Thackston, | William Davidson. |
| 5th, | Edward Buncombe, | Henry Irwin, | Levi Dawson. |
| 6th, | Alexander Lillington, | William Taylor, | Gideon Lamb. |

The officers of the First and Second Regiments have already been recorded. The following were appointed Captains in the remaining regiments :

| | | |
|---------------|---------------------------|-----------------------|
| 3d Regiment. | 1st. William Brinkley. | 2d. Pinkithan Eaton. |
| | 3d. John Gray. | 4th. William Barrot. |
| | 5th. Jacob Turner. | 6th. George Granbury. |
| | 7th. James Cook. | 8th. James Ennet. |
| 4th Regiment. | 1st. Roger Moore. | 2d. John Ashe. |
| | 3d. Jerome McLean. | 4th. Robert Smith. |
| | 5th. William Temple Cole. | 6th. Thomas Harris. |
| | 7th. Joseph Phillips. | 8th. John Nelson. |

Dr. Robert Hall, Chirurgion of Third Regiment; Dr. Hugh Boyd, Fourth Regiment; Dr. Samuel Cooley, of Fifth Regiment; Dr. William McClure, Sixth Regiment.

Paymasters—James Hogan of Third Regiment, also of three companies of Light Horse; Samuel Ashe, First Regiment; Jacob Blount, Second Regiment; Hezekiah Alexander, Fourth Regiment; Thomas Benbury, Fifth Regiment; Nathaniel Rochester, Sixth Regiment.

Commissaries—William Kennon, First Regiment; Robert Salter, Second Regiment; John Webb, Third Regiment; Ransom Southerland, Fourth Regiment; Peter Mallett, Fifth Regiment; Thomas Hart, Sixth Regiment.

REGISTER OF DETACHED NORTH CAROLINA MILITIA MUSTERED IN THE SERVICE OF THE UNITED STATES AT NORFOLK, VIRGINIA, DURING THE WAR WITH GREAT BRITAIN IN THE YEARS 1813, 1814, 1815.

Major-General—Thomas Brown.

Brigadier-Generals—Thomas Davis, James F. Dickinson.

Aides-de-Camp—John D. Toomer, Alexander Hostler, John Owen.

Lieutenant-Colonels—Alfred Rowland, Simeon Bouton.

Majors—John McCotten, Nathan Tisdale, David Gillespie.

Captains—James M. Tindale, Christopher McCraw, William Lord, Willis Johnson, Charles Sims, Sampson M. Glenn, Benjamin Stewart, Charles Allen, John T. Walker, Frederic Brooks, Bryant Echlin, John Smith, Hymrich Hooker, Henry Gray, Henry Garrett, William Alexander, Irwin Jenkins, Thomas Freeman, Josiah S. McRea, Thomas Mears, Augustine Pugh.

TROOPS AT WADESBORO.

Brigadier General—Alexander Gray.

Lieutenant-Colonel—John McGimpsey.

Majors—Jesse Allen, Thomas Lanier.

Surgeons—Robert McKenzie, Samuel L. Harris.

Quartermaster—John M. Elder.

Captains—Benjamin A. Lanier, Pleasant M. Mask, William Dowd, Evan S. Wiley, Andrew Carlton, John McClure, Gideon Lewis, George C. Neil, James Lowrie, John Oliver, Andrew Bane, Frederic Stevelie, Gilbert White, Abraham Irwin, William Newland.

TROOPS AT WILMINGTON.

Colonel—Maurice Moore.

Lieutenant-Colonel—Joseph Eagles.

Major—Joseph Russ.

Adjutant—John Grange.

Captains—John Neal, A. C. McGrissett, John Gains, John Toitwent, Samuel Russell, Anderson Hunter (cavalry), John Winslow, Frederick Brooks, Jacob Hartman (artillery).

TROOPS AT BEAUFORT.

Lieutenant-Colonel—John Roberts.

Majors—Elijah Pickett, John H. Hill.

Adjutant—Nathan Norris.

Captains—Jacob Henry, Joseph Fulford, Joseph Nelson, James Steel, Leonard Mann, Friley Jones, Nathaniel Tucker.

OTHER TROOPS AT NORFOLK, VIRGINIA.

Lieutenant-Colonels—Duncan McDonald, Joshua Flowers.

Major—Joshua S. Creecy.

Adjutant—Thomas Benbury.

Captains—John Cox, J. W. Godly, Henry Williams, Moses Ramsay, Anthony D. Burdeaux, Daniel McClammy, Cullen Filligan, James Moore, Samuel Gibbs, David Gibbs, S. B. Jordan, Amos Neal, John Meekins, John Creedle, Richard C. Cotton, Nathan Bird, David A. Murdock, David Warden, Hillery Bell, Joseph Garlington, James Overstreet, Robert Thompson, David Tate, Elijah Holtom, Beverly Reed, John Shipp, Thomas Miers, John Stockerd, Beverly Read, Aaron Evans, John Armstrong, John Young, Joseph Manning, John Bradston, James Graham, Joseph Pysioc, Peter Grey, James Graham, John W. Bynum, Bryan Glisson, George Kennedy, Frederick Statton, Abner Campbell, David Chiefman, John Reals, Jesse West, David Tate, James G. Yarlington, Henry P. Reading, Caleb Stephens, John Washington, James Cox, Thomas Callinder, John Jones, Aaron Evans, Joshua Bradshaw, Ambrose Carlton, John Sellers, Richard Allen, G. Bannerman, David Hooks, Nathaniel Pinkham, Henry Pogh.

REGISTER OF TROOPS WHO VOLUNTEERED AND WERE MUSTERED IN THE UNITED STATES SERVICE AND SERVED IN MEXICO DURING THE WAR.

Colonel—Robert Treat Paine of Chowan.

Lieutenant-Colonel—John A. Flagg of Buncombe.

Major—Montford S. Stokes of Wilkes.

Adjutant—O. A. Burke of Wake.

Surgeon—Gaston D. Cobbs of Caswell.

Assistant Surgeon—James A. McRae of Cumberland.

Quartermaster—William F. Dancy of Edgecombe.

Commissary—Exum L. Whitaker of Edgecombe.

COMPANY A.

Captain—Louis D. Wilson.

First Lieutenant—Josiah D. Pender.

Second Lieutenant—William S. Moye.

Second Lieutenant—O. A. Buck.

COMPANY B.

Captain—Henry Roberts.

First Lieutenant—John Andrews.

Second Lieutenant—Spiers Singleton.

Second Lieutenant—Zadoc L. Thompson.

COMPANY C.

Captain—Martin Shine.

First Lieutenant—A. B. Pharr.

Second Lieutenant—H. A. Area.

Second Lieutenant—Nelson Slough.

COMPANY D.

Captain—Tiliman Blalock.

First Lieutenant—Shepherd K. Nash.

Second Lieutenant—A. F. Keith.

COMPANY E.

Captain—William B. Duggan.

First Lieutenant—Lemuel H. Moye.

Second Lieutenant—William McKerrall.

Second Lieutenant—Benjamin Staton.

COMPANY F.

Captain—George Williamson, Jr.

First Lieutenant—David S. Johnson.

Second Lieutenant—Robert M. Wiley.

Second Lieutenant—James T. Mitchell.

COMPANY G.

Captain—Patrick M. Henry.

First Lieutenant—E. W. Hancock.

Second Lieutenant—Joseph Masten.

Second Lieutenant—C. B. Ogburn.

COMPANY H.

Captain—William J. Price.

First Lieutenant—G. E. B. Singletary.

Second Lieutenant—William B. Flanner.

Second Lieutenant—Edward Yarborough.

COMPANY I.

Captain—William E. Kirkpatrick.

First Lieutenant—Thomas W. Dunham.

Second Lieutenant—John W. Beaty.

Second Lieutenant—William M. Hartman.

NORTH CAROLINA COMPANIES OF VOLUNTEERS MUSTERED
INTO THE SERVICE IN THE TWELFTH REGIMENT UNITED
STATES INFANTRY.

COMPANY I.

Captain—W. J. Clarke.

First Lieutenant—John F. Hoke.

Second Lieutenant—Charles M. Creanor.

Second Lieutenant—James F. Waddell.

COMPANY K.

Captain—Charles R. Jones.

First Lieutenant— ——— ———

Second Lieutenant—Edward Cantwell.

Second Lieutenant— ——— ———

REGISTER OF NORTH CAROLINA TROOPS MUSTERED INTO
THE CONFEDERATE STATES SERVICE IN 1861.

COMMANDER-IN-CHIEF.

Gov. HENRY T. CLARK.

AIDES-DE-CAMP.

COL. DANIEL M. BARRINGER.

LIEUT. COL. SPIER WHITAKER.

ADJUTANT GENERAL JAMES G. MARTIN.

STAFF CAPTAINS.

Augustus M. Lewis, Paymaster ; John Devereux, Assistant Quartermaster ; A. Gordon, Assistant Adjutant-General ; Moses A. Bledsoe, Abraham Myers, Assistant Quartermasters ; William B. Gulick, John C. Winder, Assistant Adjutant-Generals ; James Sloan, Assistant Commissary ; Alexander W. Lawrence, W. W. Pierce, Assistants Ordnance Department ; Thomas D. Hogg, Charles W. Garrett, Commissaries.

SURGEON-GENERAL.

CHARLES E. JOHNSON.

SURGEONS.

Wm. W. Davis, William L. Hilliard, Charles J. Gee, James B. Hughes, James F. McRae, Joseph F. King, James A. McRae, Wesley M. Campbell, Henry P. Ritter, Peter E. Hines, James Johnson, David A. Montgomery, John W. Hutchings, James A. Miller, E. Burke Haywood, Columbus Mills, Thomas W. Keen, Benjamin T. Green, James A. Bizzell, Robert J. Hicks, Pleasant A. Holt, James K. Hall, Bedford Brown, R. H. Smith, Thomas J. Boykin, Wyatt M. Brown, Robert Gibbon, Peter Custis, Samuel W. Langdon, Warren W. Ward, John Yancey, W. J. Blow.

ASSISTANT SURGEONS.

James H. Hines, Charles J. O'Hagan, Nathaniel M. Scales, George L. Kirby, Kenneth A. Black, J. G. Thomas, John K. Ruffin, William E. White, Joseph H. Baker, William Little, Peter W. Young, John H. McAdden, Thomas H. Wingfield, Charles Lesesne, John S. Leach, John E. Douthitt, Walter B. Mott, W. D. Whitted, William B. Meares, Joseph W. Caldwell, Benjamin A. Cheek, William R. Wilson, R. H. Shields, Lancaster K. Saunders, Waightstill Collett, W. S. McLean, Joseph J. Baxter, Francis N. Luckey, William A. Holt, E. J. Ransom, George H. Coke.

FIRST REGIMENT—INFANTRY.

Colonel.

Montford S. Stokes.

Lieut. Colonel.

Matt. W. Ransom.

Major.

John A. McDowell.

Captains.

Tristram L. Skinner, Hamilton A. Brown, James S. Hines, James A. Wright, Jarrotte N. Harrell, Louis C. Latham, R. W. Rives, Sterling H. Gee, Edward M. Scott, James H. Foote.

First Lieutenants.

Hardy L. Fennell, Nem. J. Whitehurst, Napoleon B. Fagan, John A. Benbury, Marcus A. Parks, William S. Shepherd, John L. Wooster, A. L. Pierce, Edward Sumner, William D. Scarborough ; J. S. R. Miller, Adjutant.

Second Lieutenants.

Cicero F. Lyon, Thomas S. Bonchelle, Owen Fennell, Guilford L. Dudley, Julian A. Latham, Lemuel C. Benbury, W. R. Williams, Adolphus W. Cheek, Hirdiman D. Fowler, James P. Jenkins, Richard F. Langdon, John A. Mizell, John L. Bratton, James J. Terrell, William B. Stokes, John A. Hampton, John E. Kerr, Patrick H. Grandy, Lucius C. Coke, William Thompson.

SECOND REGIMENT—INFANTRY.

Colonel.

Charles C. Tew.

Lieut. Colonel.

William P. Bynum.

Major.

William R. Cox.

Captains.

John Howard, William S. Stallings, Hugh L. Cole, Harvey A. Sawyer, James A. Washington, George C. Lewis, Daniel W. Hurtt, Gideon M. Reberts, John H. Morehead, Calvin Barnes.

First Lieutenants.

Isaac C. Applewhite, Nat. M. Chadwick, Donald D. Munro, Alexander Miller ; N. C. Hughes, Adjutant ; Henry C. Gorrell, William T. Faircloth, James R. Sterling, Orren Williams.

Second Lieutenants.

Rod. S. Wetherington, William J. Dickerson, John P. Cobb, Richard D. Hancock, Edward K. Bryan, James Price, John C. Gorman, Matthias Manly, Henry J. B. Clark, Robert H. Jones, James W. Gulick, Joseph F. Hellen, Sylvester Taylor, Joseph M. Morehead, David Cogdell, William W. Loftin, James T. Scales, Robert E. Calder, John McEvoy, Will. H. H. Cobb.

THIRD REGIMENT—INFANTRY.

Colonel.

Gaston Meares.

Lieut. Colonel.

Robert H. Cowan.

Major.

William L. DeRosset.

Captains.

Robert H. Drysdale, John B. Carmer, Edward Savage, Peter Mallett, Stephen D. Thurston, David Williams, William M. Parsley, Theodore M. Sikes, Edward H. Rhodes, M. L. Fayette Redd.

First Lieutenants.

W. A. Cummings, Adjutant; Henry H. Best, Samuel B. Walters, Hardy B. Willis, John B. Brown, William T. Ennett, Thomas E. Armstrong, Edward Spearman, Solomon Gornto, Duncan E. McNair.

Second Lieutenants.

James H. Albritton, Thomas Cowan, J. F. S. VanBokkelen, Henry W. Horne, Leander Moore, Robert S. Radcliffe, William H. Quince, Archibald Craig, Alexander W. Bannerman, William G. Williams, Edward G. Meares, Elisha Porter, William R. Gaylord, George W. Ward, John W. Runciman, John P. Hand, Charles P. Mallett, Robert N. Bell, Swift Galloway, Armand L. DeRosset.

FOURTH REGIMENT—INFANTRY.

Colonel.

George B. Anderson.

Lieut. Colonel.

John A. Young.

Major.

Bryan Grimes.

Captains.

Absalom K. Simonton, F. M. Y. McNeely, David M. Carter, J. B. Andrews, William F. Kelly, James H. Wood, William F. Marsh, Jesse S. Barnes, Edwin A. Osborne, Alexander D. Tumbro.

First Lieutenants.

William A. Eliason, William C. Coughenour, Thomas L. Perry, James R. Reid, Samuel A. Kelly, Thos. C. Watson, Leonidas B. Creekman, John W. Dunham, John Z. Dalton, Robert B. Potts.

Second Lieutenants.

W. L. Davidson, Marcus Hofflin, Edward L. Redding, Joseph C. White, Thomas J. Brown, Jesse F. Stancil, Patrick H. Simms, John B. Foreum, William G. Fall, William Brown, Daniel P. Latham, William A. Kerr, Samuel C. Davis, John R. Harris, Bryan T. Bonner, Thomas E. Thompson, Franklin H. Weaver, John B. Griswold, M. Clay Hazelle.

FIFTH REGIMENT—INFANTRY.

Colonel.

Duncan K. McRae.

*Lieut. Colonel.**Major.*

John C. Badham.

Captains.

Peter J. Sinclair, William J. Hill, Jacob Brookfield, Samuel Reeves, Thomas M. Garrett, Solomon B. Douge, John W. Lea, Hamilton C. Jones, Henry Mullens, Thomas P. Thompson.

First Lieutenants.

Speight B. West, Robert Hendry, Joseph G. Hays, James R. Doughtie, Samuel T. Snow, James M. Jones, Benjamin Robinson, Isaac E. Pierce, Elijah C. Cuthbert, Meshack F. Hunt.

Second Lieutenants.

Richard R. Grant, John P. Clark, Charles R. King, John E. Baily, Roscoe Riddick, James C. McRae, Frederick H. Sprague, Marcus W. Perry, Isaac A. Jones, Luther M. Davis, Fab. J. Haywood, Jr., William S. Boswell, David F. Moore, S. B. Maloney, Samuel F. Flanagan, George F. Parker.

SIXTH REGIMENT—INFANTRY.

Colonel.

William D. Pender.

Lieut. Colonel.

Charles E. Lightfoot.

Major.

Robert F. Webb.

Captains.

William K. Parish, William J. Freeland, Samuel McD. Tate, Isaac E. Avery, James W. Wilson, James A. Craige, Richard W. York, James W. Lea, Samuel S. Kirkland, William H. Durham.

First Lieutenants.

D. C. Pearson, Alphonzo C. Avery, Robert N. Carter; Benjamin R. Smith, Adjutant; Levi H. Walker, Malcus W. Page, Joseph S. Vincent, J. C. Turner, William E. McMannen, Houston B. Lowrie.

Second Lieutenants.

Willie G. Guess, Neill W. Ray, James H. Burns, Benjamin F. White, William B. Lewis, Jeremiah A. Lea, C. N. Roney, James M. Price, Evans Turner, John Carson, John A. McPherson, Henry, C. Dixon, James T. Roseborough, M. B. Barbee, S. J. Crawford, Alvis K. Unsted, Thomas L. Cooley.

SEVENTH REGIMENT—INFANTRY.

| | | |
|---------------------|------------------------|-----------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Reuben P. Campbell. | Edward G. Haywood. | Edward D. Hall. |

Captains.

Junius L. Hill, Robert S. Young, William L. Davidson, Alsey J. Taylor, J. McLeod Turner, Hiram Weatherspoon, James G. Harris, James R. McAuley, Matthew H. Peoples, Robert B. McRae.

First Lieutenants.

James G. Knox, Samuel E. White, David R. Murchison, John E. Brown, Duncan C. Haywood, Canaday Lowe, Samuel E. W. Pharr, William N. Dickey, Nathan A. Pool, Thomas G. Williamson.

Second Lieutenants.

Andrew A. Hill, Solomon Furr, Thomas H. McKoy, William J. Kerr, Iredell M. Williams, William M. Lowe, John M. Alexander, Robert G. McAuley, William C. Green, Melmoth W. Hill, John P. Young, Walter B. Williams, Benjamin H. Davidson, William A. Closs, Elau G. Blackner, S. Weatherspoon, J. M. W. Alexander, John Y. Templeton, Joseph C. Miller, Francis D. Stockton.

EIGHTH REGIMENT—INFANTRY.

| | | |
|-----------------|------------------------|--------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Henry M. Shaw. | William J. Price. | George Williamson. |

Captains.

James W. Hinton, James M. Whitson, Henry McRae, Andrew J. Rogers, James M. Williams, Charles J. Jones, Edward C. Yellowley, Rufus A. Barrier, Gaston D. Cobb, Pinkney A. Kennerly.

First Lieutenants.

Archibald H. Gregory, Charles H. Barron, Thomas J. Jarvis, William H. Bagley, Jacob File, Amos J. Hines, Julius J. Wright, William M. Walker, William H. Howerton, John M. Murchison.

Second Lieutenants.

Thomas W. Davis, Robert B. Gilliam, Daniel A. Sawyer, Linn B. Holt, Jonas Cook, John J. Bell, Charles D. Rountree, Benjamin F. Simmons, H. C. McCallister, James C. Cooper, Joseph T. Spence, Enoch F. Baxter, W. L. S. Townshend, William M. Wilhelm, Walter N. Peebles, S. M. Butler, Alfred Alston, Leonard Henderson, K. M. Murchison, Neil G. Monroe.

NINTH REGIMENT—CAVALRY.

Colonel.

Robert Ransom.

Lieut. Colonel.

Lawrence S. Baker.

Major.

James B. Gordon.

Captains.

Thomas N. Crumpler, John H. Whitaker, Thomas Ruffin, James M. Miller, William H. Cheek, Rufus Barringer, George N. Folk, Thaddeus P. Siler, William J. Houston, William R. Wood.

First Lieutenants.

Thomas L. Vail, William H. H. Cowles, Joseph A. Fisher, M. D. L. McLeod, William M. Addington ; R. J. Shaw, Quartermaster ; James L. Henry, Adjutant ; Samuel P. Caldwell, Alexander B. Andrews, Wiley A. Barrier.

Second Lieutenants.

William F. Kornegay, William R. T. Williams, James W. Council, Johnson H. Bryan, Joseph W. Peele, Robert W. Maxwell, Will H. Roan, John C. Blair, James L. Gaines, James L. Marrow, William E. Broadnax, Laban J. Grier, Benjamin P. Ellis, Kerr Craige, Noah P. Foard, Jesse H. H. Person, John B. Neal, John S. Forester, Cadwallader J. Iredell, John L. Smith.

TENTH REGIMENT—ARTILLERY.

Colonel.

James A. J. Bradford.

*Lieut. Colonel.**Majors.*

William B. Thompson,
Stephen D. Ramseur.

Captains.

Henry T. Guion, Thomas H. Brem, Stephen D. Pool, Josiah S. Pender, William S. G. Andrews, James Riley, Alexander D. Moore, Basil C. Manly, Thomas Sparrow, John N. Whitford.

First Lieutenants.

John A. Baker, William J. Saunders, Alexander C. Latham, John A. Ramsey, James L. Manney, Josiah Collins, Jr., Daniel Cogdell, William B. Lewis, R. H. S. Thompson, John C. Manson, Thaddeus Coleman, William W. Myers, Walter H. Pender, Azariah J. Biggs, John L. Pennington.

Second Lieutenants.

Bernard B. Guion, John W. Stevenson, John B. Robinson, Jesse F. Woodard, Robert E. Walker, Cicero S. Primrose, Joseph Graham, John O. Miller, Joseph P. Robinson, Benjamin F. Miller, Thomas B. Bridgers, Edward D. Walsh, William L. Saunders, Richard W. Evans, Arther B. Williams, John C. McIlhenny, J. J. Whitehurst, A. J. Thomas, Stephen G. Barrington, Edward Whitford.

ELEVENTH REGIMENT—INFANTRY.

Colonel.
Charles C. Lee.

Lieut. Colonel.
Joseph B. Starr.

Major.
Robert F. Hoke.

Captains.

Richard J. Ashe, E. A. Ross, Clark M. Avery, William J. Hoke, William W. McDowell, Jesse C. Jacocks, Wright Huske, James K. Marshall, Whitmel P. Lloyd, William A. Owens, Frank N. Roberts.

First Lieutenants.

M. T. Whitaker, E. B. Cohen, Calvin S. Brown, Wallace M. Reinhardt, Washington M. Hardy, Stark A. Sutton, Benjamin R. Huske, Lewellen P. Warren, James R. Jennings, William G. Lewis, Robert S. Bryce, J. A. Pemberton.

Second Lieutenants.

William P. Hill, Cary Whitaker, Richard B. Saunders, William S. Long, E. B. Trotter, C. W. Alexander, Thomas D. Gillespie, John A. Dickson, William R. Edwards, James C. S. McDowell, George H. Gregory, James A. Patton, George B. Sloan, F. W. Bird, James J. Speller, Charles B. Cook, Hector McKethan, Edward A. Small, Thomas Capehart, Richardson Mallett, Jr., Carr B. Corbitt, Albert S. Haynes, Kenneth Thigpen, Benjamin Rush.

TWELFTH REGIMENT—INFANTRY.

Colonel.
Solomon Williams.

Lieut. Colonel.
Edward Cantwell.

Major.
August W. Burton.

Captains.

Benjamin O. Wade, George Wortham, Thomas S. Kenan, Jerome B. Fulton, Richard M. Norment, James H. Whitaker, Henry E. Coleman, Thomas L. Jones, Samuel S. Vick, David P. Rowe.

First Lieutenants.

Joseph H. Separk, Augustus Landis, Jr., Thomas S. Watson, Cicero A. Durham, Owen C. Norment, Whit. H. Anthony, John T. Taylor, William S. Davis, William H. Blount, Yancy M. Wilfong.

Second Lieutenants.

Nathaniel C. Harmon, John B. Hunter, John C. Hester, William A. Allen, John W. Hinson, Jesse Jenkins, Philo P. Hoke, Isham H. Bennett, Owen C. Norment, Henry R. McKinney, John S. Northington, Crawford Gary, William H. Townes, Thomas H. Morrow, Robert Twitty, James Southerland, John W. Barrett, William F. Rowland, Miles A. Yount, Thomas W. Bradford.

THIRTEENTH REGIMENT—INFANTRY.

| | | |
|-------------------|------------------------|-----------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Alfred M. Scales. | W. S. Guy. | D. H. Hamilton. |

Captains.

John A. Graves, James T. Mitchell, A. A. Erwin, John T. Hambrick, Joseph H. Hyman, Thomas Ruffin, Thomas Settle, Jesse A. Clements, Giles P. Bailey, Henry McGeehee.

First Lieutenants.

B. Y. McAden, Leonard H. Hunt, John R. Erwin, E. Brock Holden, J. A. Fuqua, Chalmers Glenn, Julius Roseler, Robert Watt, John A. Murray.

Second Lieutenants.

M. W. Norfleet, Robert S. Warren; Jasper Fleming, Adjutant; Henry A. Rogers, Daniel Richmond, C. N. Civalier, W. H. Faucett, John Scales, E. W. Hancock, David Settle, Robert H. Ward, Wiley Clement, Cheshire Sain, Hugh L. Guerrant, William A. Presley, F. L. Poteat, Samuel R. Thornton, William M. Nunnaly, Bennett P. Jenkins.

FOURTEENTH REGIMENT—INFANTRY.

| | | |
|-----------------|------------------------|-----------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Junius Daniel. | George S. Lovejoy. | Paul F. Faison. |

Captains.

Willis L. Miller, William A. Johnston, Edward Dixon, George H. Faribault, Thomas T. Slade, Richard Anderson, Jesse Hargrove, William H. Harrison, Charles E. Smith, Philetus W. Roberts.

First Lieutenants.

W. A. Pearson, Robert S. Patton, William M. Thompson, Andrew J. Griffith, H. N. Weaver, Sion H. Rogers, Pleasant C. Thomas, William M. Hammond, James R. Deberry, Edward W. Herndon.

Second Lieutenants.

B. B. Bobbitt, Robert Myrick, Walter J. Boggan, William A. Liles, Rufus R. Roark, William M. Ware, John W. Harrison, James M. Royster, James M. Gudger, Samuel S. Brown, John S. Johnson, John J. Gilliam, Julius A. Kendall, John B. Simpson, William M. Holt, Thomas B. Beale, Joseph Jones; Seaton Gales, Adjutant; Henry W. Ayer, Joseph C. Lambeth.

FIFTEENTH REGIMENT—INFANTRY.

Colonel.

Robert M. McKinney.

Lieut. Colonel.

Ross R. Ihrle.

Major.

William F. Green.

Captains.

Samuel T. Stancill, Chris. G. Love, William McRae, William S. Corbitt, Wiley Perry, Jr., Kenneth Murchison, James J. Jackson, John R. Stockard, Turner W. Battle, Gray W. Hamilton, Algernon S. Perry, John W. Taylor.

First Lieutenants.

J. Manning, Jr., Adjutant; William T. Gray, John N. Nicholson, Thomas H. Means; H. D. Cabinese, Quartermaster; Kenneth M. McNeill, David L. Thompson, Henry A. Dowd, W. S. Harris, William H. Ballard, William L. London.

Second Lieutenants.

William P. Vick, Oscar M. Neal, Daniel G. Hardin, Leander A. Helms, Robert P. Jerome, Daniel Latimore, G. R. Hardin, Ransom S. Harris, Henry C. Kearney, Robert B. Smith, Samuel D. Pipkins, William H. Yarborough, J. N. H. Clendenhan, Fred. Phillips, John J. Reid, G. A. Clendenin, R. Sugg, Thomas H. Griffin, Ricks M. Pearce, James B. Randolph.

SIXTEENTH REGIMENT—INFANTRY.

Colonel.

Stephen Lee.

Lieut. Colonel.

Robert G. A. Love.

Major.

Benjamin F. Briggs.

Captains.

Andrew W. Coleman, John Peake, John S. McElroy, Herbert D. Lee, Patrick H. Thrash, Champ. T. N. Davis, Elijah J. Kirksey, Thomas M. Angel, William M. Shipp, John C. Camp, W. A. Stowe, E. G. Johnston.

First Lieutenants.

Dillard L. Love, S. W. Carter, A. J. Roberts, James W. Kilpatrick, Alfred A. Havener, L. P. Erwin, Alden Howell, James B. Kincade, James Cansler, J. J. Spann, George W. Peake, Leroy W. Stone; Woodbury Wheeler, Adjutant.

Second Lieutenants.

J. R. Love, William Green, W. M. Keeth, D. W. Anderson, R. B. Johnson, Samuel D. Byrd, William F. Thorn, A. A. McKinney, E. B. Alexander, Thomas P. Jones, J. B. McEntire, J. W. Wilkins, J. M. Welch, G. W. Rogers, Ambrose S. Kaylor, C. L. Robinson, William McD. Allman, W. D. Miller, J. W. Lane, Richard H. Mills, J. C. Mills, J. D. Holland, A. M. Roberts, W. F. Warlick.

SEVENTEENTH REGIMENT—INFANTRY.

Colonel.

William F. Martin.

Lieut. Colonel.

George W. Johnson.

Major.

Henry A. Gilliam.

Captains.

James J. Leith, John C. Lamb, L. J. Johnson, Lyeurgus L. Clements, Jas. H. Swindell, T. H. Sharp, John B. Fearing, Alexander P. White.

First Lieutenants.

John O. Swindell, George W. Grimes; John W. Poole, Adjutant; M. O. Jordan, Cader Abrahams, James L. Lassell, Robert Green.

Second Lieutenants.

M. T. Moye, George W. Daniel, William M. B. Swindell, Joseph C. Owens, Joseph M. Siterson, William Biggs, Thomas J. Norman, Stuart L. Johnson, Thomas H. Gilliam, James A. Whitley, Thomas B. Griffin, William B. Wise, Julian G. Moore, Charles G. Elliott, Frederick Harding, Charles E. Peterson, John B. Lyon.

EIGHTEENTH REGIMENT—INFANTRY.

Colonel.

James D. Radcliffe.

Lieut. Colonel.

Oliver P. Meares.

Major.

George Tate.

Captains.

Christern Cornehlson, Forney George, William S. Norment, Robert Tait, John R. Hawes, Charles Mallory, Henry Savage, David N. Gore, Robert D. Williams, William S. Devane.

First Lieutenants.

Hanke Vollers, William G. Baldwin, William K. Gore, William F. French, Gilmore Edwards, Henry A. Colvin, John B. Buchanan, Charles D. Myers, Matthew Laspeyre, George W. Marsh.

Second Lieutenants.

G. H. W. Runge, Engelhardt Schulken, Van V. Richardson, Matthew A. Byrnc, Calvin C. Gore, Owen C. Norment, Alfred Rowland, Wiley J. Sykes, John W. McGill, Calvin V. Hines, Frederick Thompson, Daniel M. McLaurin, John W. Råper, John J. Poisson, James D. McPeake, Roderick McRae, Hemford Long, Joshua T. James, James H. Robinson, William A. Matthis.

NINETEENTH REGIMENT—CAVALRY.

| | | |
|--------------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Samuel B. Spruill. | William G. Robinson. | John W. Woodfin. |

Captains.

George W. Hays, Clinton M. Andrews, John Booth, James W. Strange, Columbus A. Thomas, Barzillai L. Cole, Lewis E. Satterthwait, John Randolph, Jesse L. Bryan, Josiah Turner.

First Lieutenants.

S. Jay Andrews, James M. Wynns, William H. Lutterloh, Josiah J. B. Vick, John V. B. Rodgers, Elisha B. King, Henry B. Hardy, William E. Satterthwait, John Arnold, William A. Graham.

Second Lieutenants.

William C. Moore, Richard M. Allison, Mills L. Eure, Joseph Baker, Nicholas M. Harris, George W. Snider, James N. Turner, James F. T. Williams, Robert W. Atkinson, William M. Nelson, George Bishop, James R. Nelson, William H. Newson, John P. Lockhart, James Moore, Daniel O. Bryan, John S. Ritter, George P. Bryan, William P. Roberts.

TWENTIETH REGIMENT—INFANTRY.

| | | |
|-----------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Alfred Iverson. | Franklin J. Faison. | William H. Toom. |

Captains.

Nelson Slough, J. B. Atwell, John B. Stanly, B. Smith, Claudius B. Denson, O. L. Chesnut, J. S. Brooks, Uz W. Cox, James A. Faison, Thomas F. Toon.

First Lieutenants.

Charles F. Harris; R. Pryor James, Adjutant; W. Jasper Stanly, James W. Wright, Lewellen Leonard, Claudius B. Monk, D. J. Devane, R. S. Harris, J. O. Williamson, James B. Williams.

Second Lieutenants.

Jonathan L. Gore, Elisha W. Collins, W. P. Collins, Obadiah Eason, Louis T. Hicks, J. W. McKae, John W. Brown, Oliver E. Mercer, John W. Ward, Hardy H. West, Nathaniel L. Hawley, W. Kirby, R. Murphy, J. W. Caldwell, P. A. Smith, J. C. Young, Henry Coleman, William Johnston.

TWENTY-FIRST REGIMENT—ARTILLERY.

Colonel.

William W. Kirkland.

Lieut. Colonel.

James M. Leach.

Majors.

J. M. Richardson.

Captains.

Jacob C. Hedgecock, John K. Connally, Bayley Y. Graves, Alfred H. Belo, Rufus W. Wharton, Rufus K. Pepper, S. Westmoreland, William L. Scott, James R. Waugh, John C. Gilmer, Francis P. Miller, Andrew J. Boyd.

First Lieutenants.

Adolphus A. Moss, Miles M. Cowles, John W. Phillips, William L. Mastin, Phillip D. Headley, John C. Blackburn, Sanders Fulton, William L. Rankin, James H. Jones, M. C. Moore, Coleman B. Ziglar, James M. Kallam.

Second Lieutenants.

Reuben E. Wilson, Nathan G. Hunt, Logan T. Whitlock, Benjamin F. Bray, Edward A. Brietz, David B. Barrow, Julius R. Vogler, Charles B. Brooks, John K. Pepper, Thomas J. Blackburn, William E. Willis, James O. Blackburn, David M. Mallory, John Doggett, Andrew Summers, William A. Jenkins, John M. Gwyn, William O. T. Banner, William F. Swain, Alexander Miller, James F. Beal, Alexander Chatham, James T. McKillis, R. A. Womack.

TWENTY-SECOND REGIMENT—INFANTRY.

Colonel.

J. Johnston Pettigrew.

Lieut. Colonel.

John O. Long.

Major.

Thomas S. Galloway.

Captains.

J. M. Neal, C. C. Cole, Hamilton Scales, S. G. Worth, Alney Burgin, J. M. Odell, R. H. Gray, Thomas D. Jones, Preston B. Reeves, John W. Graves.

First Lieutenants.

A. G. Halyburton, H. E. Charles, J. J. Stokes, Ephriam Bouldin, C. H. Burgin, Laban Odell, C. Gray; Graham Daves, Adjutant; J. B. Clark, E. H. Winningham, John Gambol.

Second Lieutenants.

J. M. Higgins, W. H. Faucett, Horton S. Reeves, P. Smith, S. Martin, A. W. Crawford, J. E. Morris, S. H. Adams, J. M. Pounds, H. C. Alred, J. A. C. Brown, W. G. Spence, John N. Nelson, Felix G. Dula, William W. Dickson, Alexander C. McAlister, Hamilton C. Graham, John N. Blackwell, George McReeves.

TWENTY-THIRD REGIMENT—INFANTRY.

Colonel.

John F. Hoke.

Lieut. Colonel.

John W. Leak.

Major.

Daniel H. Christie.

Captains.

William F. Harlee, George W. Seagle, C. J. Cochrane, J. H. Horner, M. L. McCorkle, Charles C. Blacknall, E. M. Faires, R. Amis, Robert D. Johnston, James S. Knight.

First Lieutenants.

W. D. Redfearn, Thomas J. Seagle, B. J. Christian, John H. Miller, J. J. Young, Adjutant; R. M. Ratchford, N. A. Gregory, William H. Johnston, Theophilus W. Moore, John W. Cole.

Second Lieutenants.

J. M. Little, J. W. Crowder, Lee Johnston, Sidney A. Shuford, E. J. Gaines, J. W. Montgomery, J. H. Mitchell, A. D. Peace, M. L. Helton, R. A. Cobb, G. W. Kittrell, V. C. Turner, T. N. Craige, J. M. Kendrick, A. M. Luria, T. R. Carrington, John F. Goodson, G. W. Hunter, William C. Wall, Benjamin H. Covington.

TWENTY-FOURTH REGIMENT—INFANTRY.

Colonel.

William J. Clarke.

Lieut. Colonel.

Thomas B. Venable.

Major.

Jonathan Evans.

Captains.

John G. Dillehay, George T. Duffie, George W. Crockett, Barna Lane, Thaddeus D. Love, John L. Harris, Ira T. Woodall, David W. Spivey, Charles H. Blockner.

First Lieutenants.

James Holeman, William B. Gulley, Giles Kornegay, Alexander A. McIver, James C. Bailey, Charles H. Snead, Janadius H. Baker, James S. Evans, James O. Frazel.

Second Lieutenants.

Edward F. Satterfield, James R. Hurst, Edward B. Roberts, Elias J. Stallings, James H. Young, Hector McEachern, Harris Purcell, John King, Brittan Ryals, William H. Parry, Burrall P. Baker, Richard S. Baker, William A. King, Octavius H. Blocker, William T. Ellis, Oliver D. Cooke, Charles S. Powell.

TWENTY-FIFTH REGIMENT—INFANTRY.

Colonel.

Thomas L. Clingman.

Lieut. Colonel.

St. Clair Dearing.

Major.

Henry M. Rutledge.

Captains.

Balis M. Edney, Thaddeus D. Bryson, Samuel C. Bryson, John W. Francis, Francis W. Johnstone, Thomas J. Lenoir, William S. Grady, Frederick R. Blake, George W. Howell, Charles M. Roberts.

First Lieutenants.

Matthew N. Love, Lynch M. Dillard, William P. Welch, William H. Herbert, Andrew J. Miller, Etheldred H. Blalock, John R. Hayes, George W. Fletcher, William Y. Morgan, Job D. Barnard.

Second Lieutenants.

John C. Edney, Joseph H. Freeman, Lucius F. Fisher, Harlen H. Boone, Wesley N. Freeman, Stephen N. Shelton, Leander B. Latham, Wm. J. A. Strange, Ephraim Young, John C. Robinson, James M. Cathey, James A. Burnett, John W. Walker, John M. Phinizy, William L. Clayton, Solomon Cunningham, Foster B. Howell, Andrew A. Luther, Nehemiah T. Buckner, John A. Hensley.

TWENTY-SIXTH REGIMENT—INFANTRY.

Colonel.

Zebulon B. Vance.

Lieut. Colonel.

Henry K. Burgwynn.

Major.

Abner B. Carmichael.

Captains.

William S. Webster, Oscar R. Rand, William F. Martin, J. J. C. Steele, Nathaniel P. Rankin, James C. Carroway, Andrew N. McMillan, Wilson A. White, Alexander R. Horton, John R. Lane.

First Lieutenants.

George W. Reeves, William J. Headen; James B. Jordan, Adjutant; Clement Dowd, William Wilson, Joseph R. Ballew, J. E. Mathews, J. S. Kendall, John Catron, William W. Hampton.

Second Lieutenants.

Jesse A. Reves, Bryant G. Dunlop, Stephen N. Brewer, Thomas J. Adams, James D. McIver, Robert W. Goldston, Taylor G. Cureton, John W. Richardson, George C. Underwood, Henry C. Albright, John B. Holloway, Alfred H. Stuart, James W. Vinson, James Porter, John B. McLauchlin, William W. Boggan, John Jones, Thomas L. Ferguson, James A. Hayne.

TWENTY-SEVENTH REGIMENT—INFANTRY.

| | | |
|-----------------------|------------------------|-----------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| George B. Singeltary. | John Sloan. | Thomas C. Singeltary. |

Captains.

Marshal D. Craton, George F. Whitfield, William H. Morrill, William F. Wooten, William Nixon, B. T. Barden, William P. Ward, R. W. Singeltary, Joseph C. Webb, William Adams.

First Lieutenants.

Stephen M. Hunt, John P. Wooten, Joseph B. Barrett, James G. Davis, Thomas D. Martin, John H. Nethercutt, Joseph A. Williams, James Y. Whitted, J. T. Morehead, Daniel T. Howell.

Second Lieutenants.

Benjamin Walters, Thomas W. Rouse; J. P. Joyner, Adjutant; Calvin Herring, Cornelius Harper, Joshua W. White, Thomas D. Jones, G. W. Cox, Joseph E. Lewis, R. C. Barden, Franklin Foy, Stephen D. Phillips, James D. Bryan, Stephen Dickson, James A. Graham, Charles P. Gaskins, Kenneth B. Jones, John A. Gilmer, Jr., William P. Wilson, Lycurgus J. Barrett.

TWENTY-EIGHTH REGIMENT—INFANTRY.

| | | |
|-----------------|------------------------|--------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| James H. Lane. | Thomas L. Lowe. | Richard E. Reeves. |

Captains.

John H. Kinyon, William J. Montgomery, Thomas H. Edwards, William D. Barringer, William H. A. Spear, William W. Wright, William J. Martin, John A. Moody, William M. Norman, Samuel D. Lowe.

First Lieutenants.

Thomas V. Apperson, Durant A. Parker, Samuel M. Stowe, James W. Ewing, Daniel F. Halcomb, William W. Gilbert, G. B. Johnston, James M. Crowell, Romulus S. Folger, Jacob H. Gilbert.

Second Lieutenants.

Leander H. Dobson, John T. Conrad, William A. Marler, John W. Randle, Gilliam O. Ramsey, Edward L. Pegram, David B. Smith, Solomon R. Townsend, Duncan A. McKee, John F. Holcomb, E. Elkanah Cline, Frederick Long, Dury R. Rollins, Isaac O. Bridgers, Elijah G. Morrow, William P. Oldham, Isaac F. Biles, Whitmore F. Stone, T. J. Linebarger, Edward F. Lovill.

TWENTY-NINTH REGIMENT—INFANTRY.

Colonel.

Robert B. Vance.

Lieut. Colonel.

William C. Walker.

Major.

Thomas F. Gardner.

Captains.

William B. Creasman, John C. Blaylock, Melchisdee Chandler, James M. Lowry, John A. Jervis, Hiram Rogers, William A. Enloe, Bachus S. Proffitt, James S. Anderson, John H. Robeson.

First Lieutenants.

William A. Ray, Julius S. Garland, William D. Williams, Malichi W. Reeves, Arthur A. Dewar, William B. Ferguson, James A. Thompson, Benjamin B. Whittington, William B. Nelson, William McB. Roberts.

Second Lieutenants.

G. M. Lowdermilk, Nathan Y. Horton, Elijah W. Baker, Ezekiel H. Hampton, James W. Patterson, Marion J. Rateliff, John W. Gudger, William Brown, John W. Hall, John A. Teague, Henry Plott, Stephen H. Miller, Jas. Conley, Peter H. Penland, Benajah A. Proffitt, James C. Proffitt, James M. Shearer, David M. Ray, Wiley F. Parker, David M. Young.

THIRTIETH REGIMENT—INFANTRY.

Colonel.

Francis M. Parker.

Lieut. Colonel.

Walter Draughon.

Major.

James T. Kell.

Captains.

Joseph Green, James C. Holmes, Eugene Grissom, William C. Drake, John C. McMillan, Franklin G. Pitt, Richard P. Taylor, William M. Swan, William T. Arrington, Benjamin F. Morrow.

First Lieutenants.

David C. Allen, William W. Sillers, Solomon J. Allen, Buckner D. Williams, Cornelius Johnson, William M. B. Moore, Rush J. Mitchell, Archibald McIntosh, Elias Bunn, Charles E. Bell.

Second Lieutenants.

Samuel C. Thorp, Lorenzo D. Cain, Cornelius Patrick, Allen Bailey, Sidney S. Abernathy, Charles T. Stevens, John M. Brame, Weldon E. Davis, William J. Boney, Daniel Teachey, James W. Pitt, Charles Vines, James A. Barnett, William A. Brooks, Daniel W. McIntosh, Francis M. Moore, James J. Harris, C. W. W. Woodard, James T. Downs, John G. Witherspoon.

THIRTY-FIRST REGIMENT—INFANTRY.

Colonel.
John V. Jordan.

Lieut. Colonel.
Daniel G. Fowle.

Major.
Jesse J. Yeates.

Captains.

Condary Godwin, William H. Tripp, Edward R. Liles, Andrew Betts, Langdon C. Manly, Jesse Miller, Julian Picot, Willie D. Jones.

First Lieutenants.

William H. Hartman, Macon Bonner, William W. Parker, Quinton Utley, Henry B. Jordan, John H. Hughes, Isaac Pipkin, Fabius H. Perry.

Second Lieutenants.

Raibon Steagall, Moore T. Sealy, Selby Hardenburgh, Noah B. Hodges, Charles B. Lindsey, Stephen Crump, Thomas H. Wray, Anderson Betts, Ruffin L. Bryant, Joseph N. Holden, Thomas Pope, John A. Slaughter, Simon B. Poole, Walter Debnam, William Pulley.

THIRTY-SECOND REGIMENT—INFANTRY.

Colonel.

Lieut. Colonel.
William T. Williams.

Major.

Captains.

J. P. T. C. Cahoon, Edmund C. Brabble, John G. Hughes, G. Gratiott Luke, William A. Duke, William Sutton, John M. Moody, Emory A. Martin, John Ray, M. M. Wilson.

First Lieutenants.

Leonard L. Hassell, William R. Overton, Jesse C. Shannon, A. E. Bell, James W. Kinsey, Joseph W. Coker, Joseph A. Garriss, John Oderholdt, M. E. Shell.

Second Lieutenants.

John W. Hoy, M. W. Fatherly, Henry G. Lewis, John C. Duguid, Addison P. Cherry, Richard Parker, Noah H. Hughes, William P. Walston, C. G. Lamb, J. M. Forbes, John Williams, Marshall E. Hill, Baker L. Ferguson, William T. Bell, Jesse G. Holliday, Jordan Gilliam, D. P. Loretz, P. E. Smith, J. Sherrill, J. A. Robinson.

THIRTY-THIRD REGIMENT—INFANTRY.

Colonel.

Lawrence O'B. Branch.

Lieut. Colonel.

Clark M. Avery.

Major.

Robert F. Hoke.

Captains.

Frederick H. Jenkins, Thomas W. Mayhew, Oliver T. Parks, Robert V. Cowan, Jeremiah M. Kesler, George C. Stowe, Robert Wooten.

First Lieutenants.

Theodore C. Hyman, James A. Weston, James M. Hunt, John A. Gibson, Robert A. Hauser.

Second Lieutenants.

Richard H. Gatlin, Bennett P. Jenkins, James W. Gibbs, Samuel C. Watson, Major F. Joines, Thomas T. Pardew, William A. Patterson, David M. Corzine, John N. Anderson, Bartlett Y. Bayle.

THIRTY-FOURTH REGIMENT—INFANTRY.

Colonel.

Collett Leventhorpe.

Lieut. Colonel.

William A. Houck.

Major.

Martin Shoffner.

Captains.

Stephen N. Wilson, John Edwards, Marcus O. Dickerson, John F. Hill, David G. Waters, William R. Myers, Samuel A. Hoey, James O. Simmons, Jesse S. Spencer, William L. J. Lowrance.

First Lieutenants.

Nelson C. Woody, Joseph C. Byers, Francis L. Twitty, Jesse A. Sanders, H. W. Abernathy, David R. Hoyle, John A. Roberts, John L. McDowell, John P. Parks.

Second Lieutenants.

Eli Chandler, Hiram Parks, William D. Edwards, David B. Harrill, Alfred K. Weaver, Alexander H. Shotwell, John Graham, George M. Clark, C. J. Hammerskold, David Rhodes, David H. Peeler, Pink. H. Shuford, Anderson H. Creswell, George M. Norment, Joseph A. Camp, James F. Wilson, William A. McKinney, Asberry Simmons, William Lewis, Samuel H. Douglas.

REGISTER OF NORTH CAROLINA TROOPS IN 1864.

COMMANDER-IN-CHIEF.

Gov. ZEBULON B. VANCE.

AIDES-DE-CAMP.

COL. DAVID A. BARNES.

COL. GEORGE LITTLE.

LIEUT. COL. JOHN L. MOREHEAD.

GENERAL OFFICERS.

Lieutenant-Generals.

Theophilus H. Homes,

Daniel H. Hill.

Major-Generals.

Robert Ransom, Jr.,

Cadmus M. Wilcox.

Brigadier-Generals.

Gabriel J. Raines,

James G. Martin,

Thomas L. Clingman,

Junius Daniel,

Alfred Iverson,

Stephen D. Ramseur,

James H. Lane,

John R. Cooke,

Robert F. Hoke,

Robert B. Vance,

Matt. W. Ransom,

Alfred M. Scales,

Lawrence S. Baker,

William W. Kirkland,

Robert D. Johnston,

James B. Gordon.

ADJUTANT AND INSPECTOR GENERAL'S DEPARTMENT.

Major-Generals.

R. C. Gatlin, Adjutant-General,

Daniel G. Fowle, Adjutant-General.

ASSISTANT ADJUTANT GENERALS.

Majors.

James H. Foote, (Roll of Honor),

William A. Graham.

First Lieutenant.

John B. Neathery.

QUARTERMASTERS.

Majors.

John Devereux,

James Sloan,

Henry A. Dowd.

First Lieutenant.

Thomas White.

PAYMASTER.

Major.

William B. Gulick.

COMMISSARY AND ORDNANCE OFFICER.

Major.

Thomas D. Hogg.

ORDNANCE.

First Lieutenants.

Josiah Collins.

SURGEON-GENERAL.

EDWARD WARREN.

SURGEONS.

Peter E. Hines, Medical Director, North Carolina; E. Burke Haywood, James F. McRee, Wyatt M. Brown, S. S. Satchwell, J. W. Hall, Henry I. Macon, Thomas R. Micks, Benjamin F. Fessenden, William C. Warren, J. G. Broadnax, William T. Sutton, W. A. Holt, Otis F. Manson, Eugene Grissom, Daniel F. Summey.

ASSISTANT SURGEONS.

J. C. Walker, Francis M. Henderson, Harvey L. Hines, James M. Abernathy, J. W. Jones, W. A. Norcom, W. H. Hall, W. A. Duggan, L. W. Robinson, A. E. Wright, William Little, Francis Gilliam.

In addition to the regiments already given, there were in the service of the Confederate States, the following troops mustered after 1861:

THIRTY-FIFTH REGIMENT—INFANTRY.

| | | |
|--------------------|---------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| John G. Jones. | James T. Johnson. | Simon B. Taylor. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| Robert B. Peebles. | Joseph M. Rogers. | Charles J. O'Hagan. |
| | <i>Assistant Surgeon.</i> | |
| | George A. Owen. | |
| | <i>Captains.</i> | |

Thomas J. Blackwell, William A. Ellis, Robert E. Petty, Evander N. Blue, John J. Chase, Sanford G. Howie, Haywood W. Harris, Phillip J. Johnson, Henry W. Humphrey, William S. H. Burgwynn.

First Lieutenants.

Neill R. Kelly, Mallory L. Henley, Hosea Hale, Louis D. Goodloe, Thomas T. Link, Pinckney Berry, Jesse Humphrey, Hugh M. Dixon, George W. Freeman, George W. Avent.

Second Lieutenants.

William T. Jones, Brinson Venters, John R. Baker, Malcom Ray, Robert Royster, James M. Rockett, George W. Eppes, Eli M. Adams, James A. Lasater, Robert H. McCorkle, David P. Glass, David H. Hamby, Jacob N. Loy, Esik A. Wright, Jesse M. Scott.

THIRTY-SIXTH REGIMENT—ARTILLERY.

| | | |
|-------------------|------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| William Lamb. | John A. Richardson, | John D. Taylor. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Commissary.</i> |
| George D. Parker. | Robert W. Lamb. | Charles H. Blocker. |
| | <i>Captains.</i> | |

James M. Stevenson, Daniel Munn, Daniel Patterson, Samuel B. Hunter, Edward B. Dudley, John T. Melvin, Kinchen J. Braddy, Oliver H. Powell, Daniel Russell, William F. Brooks.

First Lieutenants.

Robert J. Murphy, Edward L. Faison, Daniel R. Perry, John N. Kelly, Charles J. Williams, William J. Wilkerson, John W. Smith, Anerum B. Burr,

James M. Cowan, Obadiah H. Williamson, William Willis, Exum L. Hunter, William Swain, Willie H. Williford, Daniel T. Millard, Hez. D. Williamson, William W. Drew, M. W. Pridgen, Allison V. Goodman.

Second Lieutenants.

James A. Kelly, William C. Daniel, Nash LeGrand, Simon A. Barnes, Henry E. Benton, John Stancell, William M. McRacken, William R. Buie, John T. Wescott.

THIRTY-SEVENTH REGIMENT—INFANTRY.

| | | |
|---------------------|---------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| William M. Barbour. | William G. Morris. | Jackson L. Bost. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| David W. Oates. | Miles P. Pegram. | George E. Prescott. |
| | <i>Assistant Surgeon.</i> | |
| | D. McL. Graham. | |
| | <i>Captains.</i> | |

Henry C. Fite, William T. Nicholson, Andrew J. Critcher, William M. Stitt, Daniel L. Hudson, Lawson A. Potts, William J. Alexander, Henry C. Grady, John B. Petty, Thomas J. Armstrong.

First Lieutenants.

William C. Ragin, James B. Pool, William D. Elms, Johial S. Eggers, John D. Brown, Thomas L. Norwood, Aaron J. Bost, Felix Tankersley, James M. Grimsley, Charles T. Haigh.

Second Lieutenants.

George W. Cockerham, Nathan Horton, John M. Brown, Octavius A. Wiggins, Adam F. Yandle, John M. Forrester, Willis Whitaker, George W. McKee, Abraham P. Torrence, Wil. L. Davidson, Jr., Elijah A. Carter, Wallace W. Glenn, John M. Cochrane, Joseph E. Griffin, Barnabas A. Johnson, Wm. N. Ross, William S. McGee, Jonathan H. Hartley.

THIRTY-EIGHTH REGIMENT—INFANTRY.

| | | |
|--------------------|---------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| William J. Hoke. | John Ashford. | M. McR. McLaughlin. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| David M. McIntyre. | William R. Edwards. | Peter W. Young. |
| | <i>Assistant Surgeon.</i> | |
| | John H. Darden. | |

Captains.

George W. Flowers, John T. Wilson, David B. Magness, William L. Thornburg, Nicholas E. Armstrong, Henry C. Darden, Alonza Deal.

First Lieutenants.

Alsa J. Brown, John M. Robinson, Joshua A. Yount, Alfred W. Dockery, John S. Ray, Richard M. Sharpe, Samuel C. Winder.

Second Lieutenants.

Marley Crawford, Alexander G. Murdock, William R. Covington, Drury D. Suttles, Ransom M. Middleton, Henry C. Moore, Owen B. Morrissey, Robt. A. Robinson, Hiram A. Davis, Alfred A. Hines, Hugh A. McDonald, William E. Faison, John A. McArthur, Asa F. Lewis, Stephen H. Poplin, Thomas F. Murdah, Hosea J. Weeks, William M. Blaton.

 THIRTY-NINTH REGIMENT—INFANTRY.
Colonel.

David Coleman.

Lieut. Colonel.

Frank A. Reynolds.

Adjutant.

James D. Harden.

Surgeon.

Alfred A. Hatcher.

Assistant Surgeon.

Lewis Stephens.

Chaplain.

Allen Ammons.

Captains.

Alfred W. Bell, Paschal C. Hughes, James G. Crawford, Samuel S. C. Mount, William Allen, Abram Booker, Julius W. Fisher, George G. Bristol, Andrew J. Cody, Arthur M. Dyche.

First Lieutenants.

William T. Anderson, John Reid, John M. Davidson, Benjamin H. Cathey, William R. Paig, Albert N. Leatherwood, James F. Norman.

Second Lieutenants.

William A. Holbrooks, Ansel Rogers, Robert H. Smith, Jephtha C. Moss, Miles D. Kirkpatrick, Robert H. Brown, Robert H. Wilson, Henry W. Cagle, Robert A. Bristol, James M. Shearer, Posey C. Wiles, Felix H. Leatherwood, Silas M. Truitt, George W. McConnell, David R. Balding, William T. West, Needham Pace, Benjamin H. Whitaker.

FORTIETH REGIMENT—ARTILLERY.

Colonel.

John J. Hedrick.

Lieut. Colonel.

George Tate.

Major.

William A. Holland.

Adjutant.

James B. Hancock.

Captains.

William H. Tripp, Calvin Barnes, James S. Lane, Charles C. Whitehurst, John E. Leggett, Malcom H. McBryde, Ancrum W. Ezzell, John C. Robinson, Daniel J. Clarke, George C. Buchan.

First Lieutenants.

James R. Sterling, John S. McArthur, Adam Barrington, Henry H. Hooker, Thomas B. Satterthwaite, Alexander McC. Jones, Ashley Congleton, Archibald McNair, Joseph F. Hellen, Charles L. Bryan, John Williams, Macon Bonner, Selby Hardenburgh, William Hassell, John L. Davis, Burd Lancaster, John L. Pool, John W. Whitley, William F. Stanly, James W. Dickson.

Second Lieutenants.

John L. Brabble, William H. Harrison, John M. McKinnon, Seth Bridgman, Robert B. Vause, John H. Hill, William F. Edwards, Edward W. Wooten.

FORTY-FIRST REGIMENT—CAVALRY.

Colonel.

John A. Baker.

Lieut. Colonel.

Alfred M. Waddell.

Major.

Roger Moore.

Adjutant.

Thomas S. Warren.

Quartermaster.

Thomas J. Tunstall.

Commissary.

J. N. Smith, (acting.)

Surgeon.

Benjamin M. Walker.

Assistant Surgeon.

Benjamin W. Sparks.

Captains.

Hannon W. Reinhardt, Elisha A. Perkins, Benjamin G. Smith, Julius W. Moore, David A. Robertson, Lemuel H. Hartfield, Thomas J. Brooks, Frederick Harding, Charles W. McClammy, Bryan Southerland.

First Lieutenants.

Hugh C. Bennett, John W. Hatchett, Thomas B. Henderson, Joseph W. Bowling, Isaac Roberts, William B. Slade, A. C. Ward, Gustavius W. Buhman, Jere W. Spicer, Norfleet Smith.

Second Lieutenants.

Jacob A. Conly, David W. Simmons, Stephen A. Rice, James A. Williamson, Alfred G. Hankins, James Bryan, Willie G. Riddick, Allen R. Rogers, Oran A. Palmer, T. J. Harrison, E. J. Moore, Louis W. Howard, L. H. Loftin, James M. McNeill, Henry P. Lindsay, Robert Highsmith, William McNeill, Stephen H. Morton, Frank M. Pender, David C. Camp.

 FORTY-SECOND REGIMENT—INFANTRY.

| | | |
|---------------------------|------------------------|----------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| George C. Gibbs. | John E. Brown. | Charles W. Bradshaw. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| William H. H. Gregory. | Ransom P. Beasent. | W. E. Kemble. |
| <i>Assistant Surgeon.</i> | | <i>Chaplain.</i> |
| James W. Wiseman. | | Samuel P. Hill. |

Captains.

William H. Crawford, Thomas J. Brown, Wiley A. Clement, Jackson M. Hartsell, James A. Blackwelders, James A. Howell, Siden. B. Alexander, Jacob H. Koonts, Robert R. Crawford, Thomas W. Redwine.

First Lieutenants.

Augustus Leazer, John H. Peebles, Robert A. Carter, Benjamin F. Wilson, John H. Clement, Joseph T. Conrad, Leonidas W. Crawford, James R. Crawford, Eli M. Honeycutt, Henry M. Alford.

Second Lieutenants.

Henry W. A. Miller, Spencer J. Hanes, William J. Ellis, Samuel D. Mann, Charles A. Miller, Alpheus E. Liceloff, John F. Sink, Edward Rusher, Henry L. Gill, Allen B. Wright, Robert Price, Jonathan Mann, Ensley L. Harris, Green D. Redwine, Adam M. Rhyne, S. B. Turner, William H. Bailey, W. J. Willeford, Calvin C. Sanford, M. L. Efrid.

 FORTY-THIRD REGIMENT—INFANTRY.

| | | |
|------------------|------------------------|--------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Thomas S. Kenan. | William G. Lewis. | Walter J. Boggan. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| Drury Lacy, Jr. | Joseph B. Stafford. | William T. Brewer. |

Assistant Surgeon.

Joel B. Lewis.

Chaplain.

Eugene W. Thompson.

Captains.

Cary Whitaker, Robert T. Hall, James G. Kenan, Caswell H. Sturdivant, Levi P. Coleman, Hampton Beverly, Wiley J. Cobb, Ruffin Barnes, Henry A. Macon.

First Lieutenants.

Henry Ringstaff, Robert B. Carr, Henry E. Shepherd, Alfred W. Bridgers, Benjamin F. Moore, John H. Threadgill, Charles Vines, Leuren D. Killett, G. A. Morris, John S. Whitaker.

Second Lieutenants.

William E. Stitt, John A. Boggan, Peter B. Lilly, Thomas J. Bostick, Wm. Beavans, Francis E. Flake, Stephen D. Farrier, John B. Powell, Willie R. Dupree, Bennett Barnes, Luthur R. Crocker, Stephen W. Ellerby, Jesse A. Macon, Thomas H. Williams, W. L. M. Perkins, Henry Beaman, Robert T. Burwell, Hezekiah Brown, Leonidas L. Polk.

FORTY-FOURTH REGIMENT—INFANTRY.

Colonel.

Thomas C. Singeltary.

Lieut. Colonel.

Tazewell L. Hargrove.

Major.

Charles M. Steadman.

Quartermaster.

William L. Cherry.

Surgeon.

J. A. Bynum.

Assistant Surgeon.

William J. Green.

Chaplain.

R. G. Webb.

Captains.

Downing H. Smith, Lawrence R. Anderson, Rhet. R. S. Lawrence, Robert Bingham, John C. Gaines, Robert C. Brown, Macon G. Cherry, Richard W. Singeltary, John J. Crump, Robert L. Rice.

First Lieutenants.

Soren H. Workman, Thomas M. Carter, John S. Easton, Samuel V. Williams, Thomas H. Norwood, N. B. Hilliard, William P. Oldham, Alexander M. Russell, John R. Roach, Richard G. Sneed.

Second Lieutenants.

George S. P. Coble, Charles D. Mabry, S. J. Tally, E. A. Mollitt, Elisha C. Knight, George W. Parker, Thomas King, John H. Johnston, Robert W. Stedman, Reuben E. Mayo, Samuel F. Topping, Frederick N. Dick, C. C. Goldston, G. W. Montgomery, A. S. Webb.

FORTY-FIFTH REGIMENT—INFANTRY.

| | | |
|---------------------------|------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Samuel H. Boyd. | John R. Winston. | T. McGehee Smith. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| J. Harper Lindsay. | Pryor Reynolds. | John R. Raine. |
| <i>Assistant Surgeon.</i> | | <i>Chaplain.</i> |
| Anthony B. Johns. | | Ephraim H. Harding. |
| <i>Captains.</i> | | |

Samuel C. Rankin, James S. Dalton, W. Woodson Wharton, James A. Hopkins, James F. Hodges, John A. Lindsay, Samuel H. Hines, Robert C. Donnell.

First Lieutenants.

James M. Wharton, James F. Burton, John B. York, William R. Saunders, R. M. Martin, Samuel F. Adams, Jones W. Roberts, John F. Erwin, William Paylor, Joseph H. Scales.

Second Lieutenants.

Azariah T. Walker, John Hester, Garland Smith, Hardy F. Walker, Archer W. Watkins, R. Remus Saunders, Martin G. Webb, S. M. McMichael, Pleasant Hand, J. Glenn Jeffreys, Samuel A. Sutton, Henry C. Willis.

FORTY-SIXTH REGIMENT—INFANTRY.

| | | |
|---------------------------|------------------------|----------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Edward D. Hall. | William L. Saunders. | Alex. C. McAllister. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| L. Mitchael. | James A. Marsh. | E. M. Jenkins. |
| <i>Assistant Surgeon.</i> | | <i>Chaplain.</i> |
| V. Oscar Thompson. | | C. C. Dodson. |
| <i>Captains.</i> | | |

Colin Stewart, Neill McK. McNeill, Owen Holmes, Adolphus T. Bost, Stephen W. Jones, Henry R. McKinney, Nathan N. Fleming, Jesse R. Heflin, Thomas A. Branson.

First Lieutenants.

Francis M. Whisart, Oliver P. White, Alexander Routh, Robert P. Troy, John A. Blue, Leon S. Mabry, Stephen M. Thomas, John J. Walker, George Horah, James A. Spencer.

Second Lieutenants.

Wellington Wishart, Neill A. McNeill, James M. Hoover, Marcus A. Snyer, Joseph H. Freeman, William B. Lowrance, John C. Wright, Robert S. Small, Thomas S. Troy, Thomas R. Price, Thomas G. Jenkins, Henry C. Latta, Meredith M. Teague, John J. Stewart, John C. Russell, R. D. McCotter, Thomas Owen, John W. Roper.

FORTY-SEVENTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|----------------------|---------------------------|----------------------|
| George H. Faribault. | John A. Graves. | Archibald D. Crudup. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| Thomas C. Powell. | James J. Thomas. | Franklin J. White. |
| | <i>Assistant Surgeon.</i> | |
| | Josiah C. Fowler. | |

Captains.

William C. Lankford, John H. Norwood, Joseph J. Davis, John W. Brown, Robert H. Faucette, Sidney W. Mitchell, John H. Thorp, George N. Lewis, Joseph J. Harris, George M. Whiting.

First Lieutenants.

Pleasant P. Peace, Erastus H. Ray, James H. Watson, J. Sidney Joyner, William H. Harrison, George W. Westray, Thomas L. Lassater, Richard F. Drake, Sherwood J. Evans, Nathaniel S. Brown.

Second Lieutenants.

Leonidas W. Robertson, Sylvanus P. Gill, John W. Jones, Thomas Taylor, Julius R. Rogers, William A. Dunn, John Q. Winborne, Felix L. Poteat, Jas. D. Newsom, George D. Tunstall, George Williamson, Benjamin Bunn, Marma. W. Norfleet, William H. Blount, John T. Womble, Hugh H. Perry, Hugh R. Critchton, William B. Chamblee, Alexander H. Harris, Thomas Westray.

FORTY-EIGHTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|---------------------|------------------------|---------------------------|
| Samuel H. Walkup. | Albert A. Hill. | William H. Jones. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Assistant Surgeon.</i> |
| John R. Winchester. | Louis C. Hanes. | Benjamin Cheers. |
| | <i>Chaplain.</i> | |
| | Calvin Plyer. | |

Captains.

John E. Moore, Leslie A. W. Turner, John H. Mabry, William A. Laney Brink, F. Richardson, John W. Bitting, John F. Heilman, John K. Potts, Wm. H. H. Lawhon.

First Lieutenants.

John A. Thompson, Thomas F. Hix, Robert L. Stewart, William A. Austin, Henry N. Chitty, William F. Beasley, William O. Stearnes, Montraville D. Clegg, James M. Stitt, Adam W. Troutman.

Second Lieutenants.

Edwin L. Tyser, Robert J. Howie, Hugh A. Gray, Erastus H. Smith, Wm. B. Howard, Wm. B. Hamner, Henry B. Howie, James M. Hix, Carney B. Clegg, John Belk, Milton H. Fulp, John W. Reed, James E. Austin, David C. Perrel, James T. Hart, Thomas B. Sherrell, James A. Lowrie.

FORTY-NINTH REGIMENT—INFANTRY.

| | | |
|---------------------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Lee M. McAfee. | John A. Fleming. | James T. Davis. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| Henry H. Dinkins. | Cicero A. Durham. | John K. Ruffin. |
| <i>Assistant Surgeon.</i> | | <i>Chaplain.</i> |
| Reginald H. Goode. | | Peter Nicholson. |

Captains.

William S. Corbett, Alexander D. Moore, Charles Q. Petty, George W. Lytle, Columbus H. Dixon, Henry A. Chambers, Charles F. Conner, George L. Phifer, James P. Ardry.

First Lieutenants.

David S. Barrett, Giles Bowers, James J. Magness, J. Marion Higgins, Wallace A. Rankin, Edwin W. Harris, Jacob Sherrill, Ed. X. Phifer, John C. Grier, George P. Horan.

Second Lieutenants.

Daniel Lattimore, James W. Linebarger, Charles C. Krider, Francis Y. Hicks, Thomas Y. Lytle, Neil C. Blue, H. Clay Conly, John S. Summers, Jas. H. Sherrill, John N. Thompson, John T. Crawford, Sylvester J. Weaver, John N. Torrence, James T. Adams, C. Augustus Conner, Benjamin F. Dixon, Alexander Barrett, William P. Barnett, Thomas W. Lindsey.

FIFTIETH REGIMENT—INFANTRY.

| | | |
|-----------------------|------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Adjutant.</i> |
| George Wortham. | John C. Vanhook. | Jesse W. Edmundson. |
| <i>Quartermaster.</i> | <i>Surgeon.</i> | <i>Chaplain.</i> |
| Edward W. Adams. | Francis W. Potter. | T. B. Haughton. |

Captains.

EmCoin Atkinson, Henry J. Ryals, James O. A. Kelly, George W. Andrews, Joseph H. Atkinson, John B. Eaves, P. L. Burwell, James A. Burch, George B. Ford, Thomas R. Youngblood.

First Lieutenant.

Atlas Atkinson, William T. Gardner, John P. McLean, William M. Corbitt, Alexander Bolin, John A. Morrison, William B. Best, William T. Blalock, James A. Miller, Jesse T. Ellington.

Second Lieutenants.

William H. Borden, Randall P. Collins, William Lane, Malcom McWatson, John Brantley, Albert O'Bryant, James Dalrymple, Reuben F. Logan, Samuel E. Bostick, Pinkney B. Ford, Samuel D. Hampton, Jesse Hallard, Joseph C. Ellington, George Griswold, Benjamin Brantley, William B. Jenkins, William M. Adams, Robert D. Ramsey, Joseph J. Penny, Lewis P. Wilkins.

FIFTY-FIRST REGIMENT—INFANTRY.

| | | |
|------------------|------------------------|---------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Hector McKethan. | Caleb B. Hobson. | James R. McDonald. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| John R. Latta. | Henry C. Rockwell. | Samuel B. Morrisey. |

Assistant Surgeon.
James W. McGee.

Captains.

James W. Lippett, Samuel M. Stanford, George Sloan, William S. Norment, Samuel W. Maulsby, Willis H. Pope, Walter R. Bell, Robert J. McEachern, Edward Southerland, William F. Murphy.

First Lieutenants.

Andrew C. Fulmore, James G. Branch, Joseph A. McArthur, Jacob Banberger, John E. Swinson, John D. Malloy, Andrew J. Ashley, William H. Littlejohn, Edwin T. McKethan, Jacob A. Evans.

Second Lieutenants.

Robinson James, Thomas J. Herring, Gilbert P. Higley, Jacob W. Hartman, James B. McCallum, Edward L. Watson, Charles T. Guy, James A. Meares, John J. Tew, Jordan Hughes, James A. Pitman, Jesse T. Smith, Hector McEachern, William J. Southerland, Reuben J. T. Hawes, James H. Taylor, Alexander Elliott, Jr., Thomas B. Lippett, Benjamin A. Gowan.

FIFTY-SECOND REGIMENT—INFANTRY.

| | | |
|------------------------|-------------------|---------------------------|
| <i>Lieut. Colonel.</i> | <i>Adjutant.</i> | <i>Quartermaster.</i> |
| Marcus A. Parks. | John H. Robinson. | John Gatling. |
| <i>Surgeon.</i> | | <i>Assistant Surgeon.</i> |
| James F. Foulkes. | | William H. Lilly. |
| | <i>Captains.</i> | |

Benjamin F. Little, Leonidas R. Gibson, Eric Erson, Nathaniel A. Foster, Jesse W. Kyle, John M. Alexander, George Gilliam, James D. Hearn, Junius W. Goslen, James D. Wells.

First Lieutenants.

Isaac H. Nelson, Milton T. Austin, William W. Carmichael, Lawson A. Dellinger, William E. Kyle, John C. Warren, Samuel S. Lilly, Romulus L. Cox, Alexander F. Harley, John Gastens.

Second Lieutenants.

Jacob J. Parlier, Martin R. McDonald, Willis Randall, Virgil H. Walker, Joseph G. Hall, Peter S. Beal, James W. Huske, Joseph C. Hill, David W. Parker, Henry W. Wells, Samuel H. Reirson, Samuel H. Randleman.

FIFTY-THIRD REGIMENT—INFANTRY.

| | | |
|----------------------------|------------------------|-------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| William A. Owens. | James T. Morehead, Jr. | James J. Iredell. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| William B. Osborne. | John B. Burwell. | Lauriston Hill. |
| <i>Assistant Surgeons.</i> | | <i>Chaplain.</i> |
| W. W. Scott, | | James H. Colton. |
| Charles Graham. | | |
| | <i>Captains.</i> | |

J. Harvy White, John W. Rierson, Thomas E. Ashcraft, Robert D. Hill,

John C. Richardson, Alexander Ray, Jesse F. Eller, Andrew J. Albright, Jas. M. Sutton, John E. Miller.

First Lieutenants.

Samuel E. Belk, John D. Cuthbertson, Harden H. Campbell, George T. Leach, Madison L. Efland, Thomas C. Miller, Jeremiah M. Holt, William R. Murray, Charles A. McGehee, Bartholomew W. Minter.

Second Lieutenants.

William M. Matthews, Marshall E. Alexander, James E. Green, Samuel B. Horn, Thomas C. Land, William M. McKinney, Joshua Lee, Samuel A. Albright, J. Henry Owens, Logan Beamer, James A. Hill, W. W. Westmoreland, William L. Flemming.

FIFTY-FOURTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|-----------------------|------------------------|-------------------------------------|
| Kenneth M. Murchison. | Anderson Ellis. | James A. Rogers. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Assistant Surgeons.</i> |
| William C. McDaniel. | Daniel R. Murchison. | Edgar G. Greenlee, Hugh W. Tate. |

Chaplain.
John Paris.

Captains.

Samuel J. Parham, Augustus H. Martin, David S. Cockerham, Napoleon B. Hampton, George B. Kibler, Daniel A. Culbreth, George F. Smith, Rufus L. Hooper, Junius B. Deberry, Lunsford A. Paschall.

First Lieutenants.

Benjamin P. Johnson, James A. Thorn, J. Marshall Williams, Henry P. Lovell, Benjamin F. Pearce, Joseph S. Ragsdale, Martin G. Shores, Albert Rogers, Martin S. Marler, Robert S. Bell.

Second Lieutenants.

Gavin H. Lindsay, Eli G. Gray, James O. Martin, David V. Rhodes, Obadiah M. Cornwell, William W. Cole, Ira A. Fitzgerald, Henry A. Clement, Edward Smith, Charles W. Ogburn, Simon A. Jarvis, Andrew E. Peel, Ezekiel N. Ogburn, Isham W. Kittrell, Robert V. Kerley, Jacob J. Forney, William H. Young.

FIFTY-FIFTH REGIMENT—INFANTRY.

| | | |
|-----------------------|------------------------|---------------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Adjutant.</i> |
| John K. Connally. | Alfred H. Belo. | Henry T. Jordan. |
| <i>Quartermaster.</i> | <i>Surgeon.</i> | <i>Assistant Surgeon.</i> |
| William P. Webb. | Benjamin T. Green. | Isaac G. Canady. |

Captains.

Silas D. Randall, Peter M. Mull, Wilson H. Williams, Howell G. Whitehead, Edward D. Dickson, Robert W. Thomas, Walter A. Whitted, Nicholas W. Lillington, John T. Peden, Benjamin F. Briggs.

First Lieutenants.

Marcus C. Stevens, James A. Hanrahan, Wilkins Stovall, William H. Townes, Joseph J. Hoyle, George J. Bethel, Thomas J. Hadley.

Second Lieutenants.

Hiram L. Grier, Phillip R. Elam, James H. Randall, Godfrey E. Taft, Charles R. Jones, Archibald H. A. Williams, Reuben McD. Royster, Burton H. Winston, Charles M. Cook, Joseph B. Cabiness, Peter P. Mull, William S. Wilson, Leander Gilreath, Thomas R. Bass, Benjamin J. Blount, William N. Holt, William R. M. Chandler.

FIFTY-SIXTH REGIMENT—INFANTRY.

| | | |
|------------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Paul F. Faison. | G. Gratiott Luke. | John W. Graham. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| John W. Faison. | George B. Barnes. | Charles H. Ladd. |

Assistant Surgeon.
Cedar G. Cox.

Captains.

Frank N. Roberts, Alexander P. White, Joseph G. Lockhart, Henry E. Lane, Lawson Harrill, Frank R. Alexander, William G. Graves, Noah H. Hughes, Benjamin F. Grigg, Robert D. Graham.

First Lieutenants.

Matthias W. Fatherly, Richard W. Thornton, Otis P. Mills, Valentine J. Palmer, Henry W. Lane, Henry A. L. Sweezy, John J. McNeely, Samuel R. Holton, King J. Rhodes.

Second Lieutenants.

Daniel W. McDonald, Benjamin W. Thornton, Thomas P. Savells, Benjamin D. Lane, James M. Davis, John R. Williams, Alfred R. Grigg, Charles R. Wilson, William P. Bray, William Shepherd, Joseph M. Walker, Philip H. Gross, Charles M. Payne, Robert H. Faucett, Robert W. Belo, Jacob M. Jacobs, Alexander B. McDougald, William H. Turner.

FIFTY-SEVENTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|-----------------------|------------------------|---------------------------|
| Archibald C. Godwin. | Hamilton C. Jones, Jr. | James A. Craige. |
| <i>Quartermaster.</i> | <i>Surgeon.</i> | <i>Assistant Surgeon.</i> |
| William G. McNeely. | Charles S. Morton. | Albion H. Binion. |

Captains.

John Beard, Mills H. Hunter, Joseph H. Dickey, Edward A. Samples, General A. J. Seekler, Joseph G. Morrison, Jesse Miller, Philip W. Carpenter.

First Lieutenants.

Furgeson M. Graham, Robert D. Gorrell, Samuel E. M. Pharr, Alexander H. Gray, Richard L. Maynard, J. A. Owens, J. C. Lentz, William Propst, Daniel W. Ringo.

Second Lieutenants.

Henry D. Verble, James F. Litaker, J. H. Gilbert, Ab B. Gorrell, James A. Crawford, Robert F. Laffer, John H. Kerr, William P. Earnhart, J. Y. Standeford, William B. Klutts, John M. Rendeman, C. E. Elmer.

FIFTY-EIGHTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Major.</i> | <i>Adjutant.</i> |
|-----------------------|-----------------|---------------------------|
| John B. Palmer. | Thomas I. Dula. | B. F. Perry. |
| <i>Quartermaster.</i> | <i>Surgeon.</i> | <i>Assistant Surgeon.</i> |
| M. J. Bearden. | W. H. Harris. | T. J. Mitchell. |

Captains.

Alfred T. Stewart, Samuel M. Silvers, Caleb O. Conly, Jonathan L. Phillips, Benjamin F. Baird, George W. F. Harper, Suel B. Briggs, Calvin Eller, Frederick A. Toley, William Hodge, J. B. Bailey.

First Lieutenants.

James B. Marler, William P. Mast, Emanuel M. Hedrick, Milton P. Hampton, Poindexter Blevins, William H. Wiseman, J. C. Conly, David R. Silvers, Jordan C. McGhee, James A. Fox, John R. Norris.

Second Lieutenants.

Adam Lingle, Thomas J. Coffee, William E. Coffee, William M. Hampton, Jonathan W. Duncan, T. P. Eppes, Leander Henley, D. F. Baird, Lafayette A. Page, Elijah Henley, I. W. Putnam, J. McPritchard, W. M. Austin, J. J. Wise, John A. Miller, W. A. Vance, Levi D. Silvers, Charles M. Moore.

FIFTY-NINTH REGIMENT—CAVALRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|--------------------|------------------------|----------------------------|
| Dennis D. Ferebee. | Edward Cantwell. | James M. Mayo. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Commissary.</i> |
| Thomas J. Moore. | Wm. D. Holloman. | Risden B. Gaddy. |
| <i>Surgeon.</i> | | <i>Assistant Surgeons.</i> |
| James Mitchell. | | A. E. Eves, E. Barnes. |

Captains.

Demosthenes Bell, Louis A. Johnson, John Y. Bryce, James T. Mitchell, William Sharpe, Joseph B. Cherry, Arthur Barnes, Robert M. McIntyre.

First Lieutenants.

Stephen P. Wilson, E. Brock Holden, Thomas Ruffin, George O. Cherry, Sidney P. Clarke, George D. Sibley, James H. Bludsworth, Robert Gadd.

Second Lieutenants.

Isaac N. Tillett, Brantly H. Saunders, Henry S. Thaxton, Robert S. Jones, Jesse Wilder, Daniel W. Lewis, Lewis B. Sutton, Malichi M. Williams, Wm. C. Ferrell, Charles B. Speller, William P. Shaw, James M. Wall.

SIXTIETH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Major.</i> | <i>Adjutant.</i> |
|-----------------------|-------------------|----------------------------|
| Washington M. Hardy. | James T. Weaver. | Orville Ewing, Jr. |
| <i>Quartermaster.</i> | <i>Surgeon.</i> | <i>Assistant Surgeons.</i> |
| George P. Erwin. | Hamilton Griffin. | James L. Strate. |

Captains.

James T. Huff, Goodson M. Moberts, B. Frank. Patton, Thomas W. Patton, Edwin M. Clayton, Marion C. Toms, Jesse R. G. Gilliland.

First Lieutenants.

Alexander West, John H. Reynolds, Lawson B. Davis, William R. Alexander, Robert M. Clayton, John G. Chambers, Marvel M. Jones, Henry C. Lawrence.

Second Lieutenants.

John T. Sales, Thomas J. Shipman, James M. Ford, James R. Chambers, Josiah M. Jones, Samuel P. Luther, Thomas F. Davidson, Samuel C. Wright, James M. Cole, Leonard C. Huff, Samuel W. Davidson, Robert W. White, Robert W. Cooper, Eli Jackson, Thomas H. Riddle, Royal Brooks.

SIXTY-FIRST REGIMENT—INFANTRY.

Colonel.

James D. Radcliffe.

Lieut. Colonel.

William S. Devane.

Major.

Henry Harding.

Adjutant.

William L. Faison.

Quartermaster.

Oliver P. Meares.

Assistant Surgeon.

Clarence Tripp.

Chaplain.

William B. Jones.

Captains.

Edward Mallett, Nathan A. Ramsay, Andrew J. Moore, William B. Lanier, William M. Stevenson, Samuel W. Noble, William T. Choate, William S. Byrd, Lemuel L. Keith, James H. Robinson.

First Lieutenants.

William S. Ramsey, Henry C. Koonce, John D. Biggs, David F. Redditt, Samuel S. Biddle, John W. Joines, John Q. Jackson, Augustus D. Lippett, William F. Smith, William A. Darden.

Second Lieutenants.

James B. Ellington, James H. Exum, Samuel L. Garrock, Franklin A. Rhodes, Henry H. Lanier, R. Clifford Cotton, John T. Wilkerson, William H. Patrick, John T. Guthrie, Julius M. Chesnutt, Edward F. Story, Lowen Grimsley, Simon E. Koonce, William H. Jones, Joseph Kinsey, Henry H. Rasberry, Daniel Shackelford, Francis M. Carroll, Nicholas H. Fennell, Jesse D. Barnes.

SIXTY-SECOND REGIMENT—INFANTRY.

| | | |
|------------------------|---------------------------|--------------------|
| <i>Lieut. Colonel.</i> | <i>Major.</i> | <i>Adjutant.</i> |
| George W. Clayton. | B. Gibbs McDowell. | Joe Eugene Haynes. |
| <i>Quartermaster.</i> | <i>Assistant Surgeon.</i> | <i>Chaplain.</i> |
| Robert B. Johnston. | Hugh M. Rogers. | Jacob Massey. |
| <i>Captains.</i> | | |

Asberry T. Rogers, N. W. Moore, John Turpin, Robert M. Henry, Lambert C. Neill, Angus B. Cowan, Andrew D. Hooper, William J. Wilson, Thomas G. Hensor, J. Ramsey Dills.

First Lieutenants.

William H. Leatherwood, J. M. Crawford, Joseph M. Tate, M. L. Kelly, James M. Taylor, Daniel F. Brown, Jonathan P. Long, H. Bryson, J. A. Galloway.

Second Lieutenants.

John J. McClure, Jeremiah Ratcliffe, Robert L. Owens, Lucius H. Enloe, William P. Norton, John Jones, Benjamin N. Queen, Pleasant M. Parker, Richard M. Wilson, James A. Burnett, E. P. Gaines Murray, M. Passmore, M. L. Allison, J. F. Justice, E. R. Furguson, Joseph W. Whittenburg.

SIXTY-THIRD REGIMENT—CAVALRY.

| | | |
|---------------------------|--------------------|---------------------|
| <i>Lieut. Colonel.</i> | <i>Major.</i> | <i>Adjutant.</i> |
| Stephen B. Evans. | James H. McNeill. | J. Turner Morehead. |
| <i>Quartermaster.</i> | <i>Commissary.</i> | <i>Surgeon.</i> |
| Robert E. Cochrane. | John T. Downs. | Louis C. Randolph. |
| <i>Assistant Surgeon.</i> | | |
| Theophilus H. Means. | | |

Captains.

Elias F. Shaw, John M. Galloway, Thomas W. Harris, John R. Erwin, John B. Clenahan, William E. Booe, Nathan P. Rankin, John E. Wharton, John McKellar, Oliver B. Pitman.

First Lieutenants.

James Moore, William McClenahan, Samuel Hanner, Edward B. Lindsey, Noah F. Muse, Charles B. Cook, Samuel A. Grier, John W. Ward, John J. Moore, Charles S. Gibson.

Second Lieutenants.

John C. Hines, Samuel J. Ellington, James M. Thorn, David R. Lockwell,

William J. Wiley, Atlas P. Gilbert, William C. Hadley, Lewis B. Williams, James D. Nott, William B. Wharton, George J. Moore, William O. Hopkins, Benjamin F. Simmons, Archibald McFadyen, Enoch F. Cox, Joseph H. Howell, Cameron B. Person, Cornelius Patrick.

SIXTY-FOURTH REGIMENT—INFANTRY.

| | | |
|--------------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Lawrence M. Allen. | William N. Garrett. | Thomas P. Jones. |
| <i>Adjutant.</i> | <i>Commissary.</i> | <i>Chaplain.</i> |
| W. Perry Gaston. | W. Beden Smith. | Henry P. Waugh. |

Captains.

Daniel W. Anderson, John Peek, Beveley P. Morris, John T. Reynolds, John S. Love, Melvin E. Carter, Leonard W. Peek, William G. B. Morris, Andrew J. Bailey, J. Vick Baird.

First Lieutenants.

John J. Duyck, Charles N. Candler, William K. Tabor, James H. Davis, Elijah DeBusk, Benjamin W. Woodard, William C. Garrison, Thomas W. Keith, Richard Howard, Isaac Hartsel.

Second Lieutenants.

Benjamin F. Hampton, James A. Jarvis, William L. Morris, John Moore, Zachariah Candler, Edward S. Reynolds, Job B. Peck, Andrew J. Brown, Thomas W. Allen, William A. Batson, William B. Jones.

SIXTY-FIFTH REGIMENT—CAVALRY.

| | | |
|--------------------|------------------------|-------------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| George N. Folk, | Alfred H. Baird. | John J. Spann. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| James H. Merrimon. | Martin V. B. Moore. | Leonidas F. Sensabaugh. |

Captains.

Junius C. Tate, Samuel W. English, William P. Moore, Julius T. Siler, Joseph W. Dobson, Barton R. Brown, James S. Folk, Virgil S. Luck, Julius W. Gash, William B. Council.

First Lieutenants.

John M. Kibler, John P. Cunningham, William E. McDowell, James Cansler, Enoch L. Cunningham, Hilton H. Ray, Daniel B. Daugherty, Robert D. Hamilton, John A. McLawn, William T. Erwin, Joseph N. Anderson.

Second Lieutenants.

John McMillan, Amos Howell, William C. Good, Mumford C. Shuftring, Thomas I. Wiseman, Andrew J. Barnard, Henry H. Raby, William Morrison, Adam B. Malone, John H. Dehart, Wm. W. Kilpatrick, John C. Davis, Wiley P. Thomas, Stephen J. Brown, W. C. Tillson, Harvey Y. Gash, Jackson S. Heath, Virgil Barnard, Joseph Council, Robert H. Patton, Manassa S. Hennessee.

 SIXTY-SIXTH REGIMENT—INFANTRY.

| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
|---------------------------|---------------------------|------------------|
| Alexander D. Moore. | John H. Nethercutt. | Clem. G. Wright. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| W. G. Williams, (acting.) | William C. Jordan. | John K. Kinyoun. |
| | <i>Assistant Surgeon.</i> | |
| | Spencer Eaves. | |

Captains.

John W. Latta, Passum Nichols, David S. Davis, Windal T. Robinson, Willis J. Rasberry, Elan G. Blackmer, James G. Davis, John T. Sykes, Jesse P. Williams, Stephen S. Quinnerly.

First Lieutenants.

Albert G. Fancett, Winfield S. Mitchell, Robert E. Davis, Shem H. Kearney, S. S. Carter, Willis G. Cherry, W. G. Williams, James W. Smith, John J. Massey, James S. May.

Second Lieutenants.

David N. Sills, James V. Bunting, James Wilkins, John E. Lynch, Lewis Bynum, J. T. Wetherington, Jesse Holland, Frank Foy, Robert L. Swinson, Edward Williams, John A. Kinsey, W. C. Brandon, James G. Latta, Silas W. Vendens, Luby Harper, Alvin Bailey, David J. Knowles, J. W. Walker, Wm. N. Dennis, John Hall.

SIXTY-SEVENTH REGIMENT—INFANTRY.

| | | |
|--------------------|---------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| John N. Whitford. | Rufus W. Wharton. | Edward Whitford. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Surgeon.</i> |
| Samuel G. Schenck. | Thos. M. Robinson. | Joseph Graham. |
| | <i>Assistant Surgeon.</i> | |
| | William H. Morrow. | |

Captains.

Daniel W. Edwards, Charles A. White, Daniel A. Cogdell, Stephen G. Barrington, Christopher D. Foy, Asa W. Jones, David P. Whitford, Joseph D. Myers, Edward F. White, James H. Tolson.

First Lieutenants.

Theophilus Edwards, Joseph M. White, Joseph W. Brothers, Thomas H. Gaskins, John J. Bunn, John B. Wooten, William S. Taylor, David W. Wood, William W. Tucker, Hardy Whitford.

Second Lieutenants.

John Patrick, Owen J. Pate, Weeks M. Clarke, William P. Lane, Nathan Hooker, Wiley F. Higgins, James H. Marshall, James F. Heath, Alfred Houston, Edward W. Mattocks, George B. McCotter, George W. White, Jas. K. P. Neathery, John A. Aldridge, David Cogdell, Philetus Pittman, Addison P. Whitford.

SIXTY-EIGHTH REGIMENT—INFANTRY.

| | | |
|-------------------|------------------------|---------------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| James W. Hinton. | Edward C. Yellowley. | Joseph J. Edwards. |
| <i>Adjutant.</i> | <i>Quartermaster.</i> | <i>Commissary.</i> |
| Joseph N. Hinton. | John W. Sessoms. | Lewis C. Lawrence. |
| <i>Surgeon.</i> | | <i>Assistant Surgeon.</i> |
| John W. Hutchins. | | Jesse C. Shannon. |

Captains.

John T. Elliott, Willis B. Sanderlin, Caleb P. Walston, Hillory Taylor, John T. Mebane, Cyrus W. Grandy, Simon B. Pool, Richard H. L. Bond.

First Lieutenants.

Richard Keough, William J. Munden, William P. Walston, Benjamin B.

Williams, Levi Askew, William M. Sutton, Benjamin McHorney, George W. Thompson, William M. Dougherty.

Second Lieutenants.

James McCoy, Enoch Stevens, Willis Morrisett, Thomas B. Tamplin, Jos. Holloman, John Britt, William P. Taylor, David A. Parker, Frank B. Sikes, James A. Leary, James C. Warren, Richard B. Odom, Thomas B. Walton, Andréw J. Turner, Van Buren White.

FIRST BATTALION—SHARP SHOOTERS.

Assistant Surgeon.

George M. Hoke.

Captains.

Reuben E. Wilson, John A. Cooper.

First Lieutenants.

Richard W. Woodruff, Cornelius A. Shultz.

Second Lieutenants.

David D. Osborne, William L. Masten, Swift Williamson, Newell W. Sapp.

FIRST BATTALION—HEAVY ARTILLERY.

Major.

Alexander MacRae.

Adjutant.

William Calder.

Quartermaster.

Asa A. Hartsfield.

Captains.

Robert G. Rankin, John W. Taylor, Wm. H. Brown, Jas. L. McCormack.

First Lieutenants.

Jacob W. Taylor, Eugene S. Martin, Zach. Ellis, John A. Gilchrist, Wm. M. Harris, John J. Bright, Henry C. Evans, John T. Rankin.

Second Lieutenants.

David G. Robeson, Thomas M. Argo, Richard P. Allen, Benj. C. Bourden.

SECOND BATTALION—INFANTRY.

Major.

John M. Hancock.

Adjutant.

Austin W. Green.

Quartermaster.

Charles F. Bahnson.

Surgeon.

William Green.

Assistant Surgeon.

J. Robinson Godwin.

Chaplain.

Henry E. Brooks.

Captains.

Milton Smith, Ed. Smith, John J. Tucker, Van Brown, Lacy Norman,
Henry C. Wheeler.

First Lieutenants.

James B. Tucker, William H. McClure, Samuel A. J. Lusk, Zimri J. Wil-
liams, Joseph Soyars, John W. Lee.

Second Lieutenants.

Robert M. Julien, David T. Harris, Nathaniel G. Smith, Edward Smith,
Thomas W. Andrews, John W. Pugh, Columbus F. Swain, Robert H. C. Gil-
lespie, James T. Clopton, Nathan D. Lafoon, Dempsey S. Brown.

THIRD BATTALION—LIGHT ARTILLERY.

Major.

John W. Moore.

Adjutant.

Augustus M. Moore.

Quartermaster.

Henry G. Trader.

Assistant Surgeon.

Philip T. Woodson.

Captains.

Andrew J. Ellis, William Badham, Julian G. Moore.

First Lieutenants.

Julius W. Wright, William J. Rogers, Nelson McClees, John M. Jones,
John M. Sutton, John R. Powell.

Second Lieutenants.

John M. Webb, David J. Gaskins, Alfred M. Darden.

TWELFTH BATTALION—CAVALRY.

Adjutant.

William A. Pugh.

Captains.

H. E. Hoggard, Joseph O. Cherry, E. A. Martin.

First Lieutenants.

James V. Sauls, George D. Ward, J. B. Boone.

Second Lieutenants.

G. W. Joyner, William Vann, D. C. Outlaw, Charles C. Lovejoy, J. T. Britton, James G. Odom.

THIRTEENTH BATTALION—LIGHT ARTILLERY.

Lieut. Colonel.

Joseph B. Starr.

Quartermaster.

Columbus L. Chesnutt.

Surgeon.

John C. Mobley.

Captains.

James D. Cummings, Zachariah T. Adams, Louis H. Webb, Henry Dickson, John R. Potts, John Wetmore.

First Lieutenants.

John W. Galloway, Charles H. Latham, Samuel H. Forbes, Malcom D. McNeill, Henry R. Horne, John M. Perry, Alexander M. Kirkland, Halcott P. Jones, James M. Rowe, Henry G. Flanner, Benjamin Rush, Geo. B. Atkins.

Second Lieutenants.

Joseph H. Bryan, John C. Webb, Archibald McNeill, Alexander D. Brown, George W. Bryan, James H. Myrover, James D. McLean.

THOMAS' LEGION—INFANTRY REGIMENT.

Colonel.

William H. Thomas.

Lieut. Colonel.

James R. Love.

Major.

William W. Stringfield.

Adjutant.

Luther C. May.

Quartermaster.

James W. Tyrrell.

Surgeon.

John W. Lawing.

Assistant Surgeon.

John C. Love.

Chaplain.

Hezekiah West.

Captains.

Elisha G. Johnson, James M. McConnell, Daniel G. Fisher, Julius M. Welch, Matthew H. Love, Thomas A. Butler, William B. Love, James W. Cooper, Joseph A. Kimsey.

First Lieutenants.

James Taylor, William R. Trull, William T. Welch, Thomas J. Ferguson, Lewis Rector, Lafayette George, N. Green Phillips.

Second Lieutenants.

J. H. Moody, John H. Smathers, William H. Moore, Robert T. Conly, Jas. West, William S. Tyrrell, Campbell H. Taylor, David L. Whitaker, William H. H. Peake, D. Huston Gallaher, John B. Raby, Eli Ingram, William C. Brown, Adam C. Peck, William W. Jones.

THOMAS' LEGION—INFANTRY BATTALION.

Lieut. Colonel.

James A. McKamey.

Adjutant.

Parley C. Gaston.

Quartermaster.

Thomas D. Johnston.

Assistant Surgeon.

Charles H. Green.

Captains.

DeWitt C. Gormley, David Neff, William C. Wallace, James M. Singleton.

First Lieutenants.

James N. Bryson, William J. McRee, John A. Robinson, Robert A. Atkin, William Asheley.

Second Lieutenants.

Elisha Burgess, William C. Tatham, W. A. Wiggins, Matthew C. Fowler, Hiram Ledford, John W. McKamey, Lewis R. Young, Bluford M. Sims.

FOURTEENTH BATTALION—CAVALRY.

Lieut. Colonel.

James L. Henry.

Major.

Charles M. Roberts.

Quartermaster.

Alfred M. Alexander.

Surgeon.

Washington Morrison.

Captains.

William P. Fortune, Isaac A. Harris, James M. Ray, William L. Henry, Joseph Russell, Wiley F. Parker.

First Lieutenants.

William Gilliam, William H. Brown, Benjamin C. Brittain, A. Erwin Posey, Frank M. A. Boyd, G. Whitford Morgan, James P. Deaver.

Second Lieutenants.

William Woodard, M. H. Johnson, Robert P. Henry, Nathan Y. Horton,
William Garrison, Sydney V. Pickens, John M. Patton.

FIFTEENTH BATTALION—CAVALRY.

Lieut. Colonel.

James M. Wynn.

Captains.

Marshall M. Wise, Jesse G. Holiday.

First Lieutenants.

James F. Branch, John T. Beaman.

Second Lieutenants.

Andrew J. Allen, Junius A. Allen, Henry J. Jenkins, Adoniram J. Cobb.

SIXTEENTH BATTALION—CAVALRY.

Major.

John T. Kennedy.

Captains.

Nat. Richardson, William A. Thompson.

First Lieutenants.

James B. Egerton, Etheldred Hall.

Second Lieutenants.

Michael Whitley, James Hooks, Rufus Cox, — Beard.

NOTE.—In addition to the Generals belonging to North Carolina troops and reported in the State Army Register for 1864, Major-Generals William D. Pender and Stephen D. Ramseur had been appointed and slain in battle. Robert F. Hoke, and Bryan Grimes had also been made Major-Generals, and W. R. Cox, William Gaston Lewis and William P. Roberts, Brigadiers.

SIXTY-NINTH REGIMENT—(JUNIOR RESERVES.)

| | | |
|-----------------------|------------------------|---------------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| Charles W. Broadfoot. | Walter Clark. | N. A. Gregory. |
| <i>Adjutant.</i> | <i>Surgeon.</i> | <i>Assistant Surgeon.</i> |
| A. T. London. | G. G. Smith. | James Jordan. |
| | <i>Sergeant-Major.</i> | |
| | Nat. Jones. | |

[The regiment was subsequently re-organized with F. S. Armistead, Colonel ; C. W. Broadfoot, Lieutenant-Colonel ; Walter Clark, Major.]

Captains.

Charles Price, F. R. Gregory, A. M. Heitman, A. F. Richardson, — Dowd, W. S. Lineberry, Thomas L. Lea, James A. Faison, M. C. Nixon, J. A. Manning.

First Lieutenants.

S. S. Smith, W. B. Crews, F. C. Thomas, G. R. Smith, H. C. Causey, T. C. Neal, Carlton Johnson, W. F. Hargrave, Frank S. Faison.

Second Lieutenants.

E. S. Foster, W. B. Coppedge, W. H. Gregory, Weldon Hawkins, W. H. Fry, W. T. Sloan, J. T. Denny, — Johnson, — Weaver, Gabriel Holmes, W. D. Pruden, J. H. Wheeler.

SEVENTIETH REGIMENT—(JUNIOR RESERVES.)

| | | |
|-----------------|------------------------|------------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| J. H. Anderson. | W. F. Beasley. | Nat. A. Gregory. |

Captains.

W. R. Williams.

First Lieutenants.

W. E. Purnell.

(Rest of commissioned officers not obtained.)

SEVENTY-FIRST REGIMENT—(JUNIOR RESERVES.)

| | | |
|-------------------|------------------------|---------------|
| <i>Colonel.</i> | <i>Lieut. Colonel.</i> | <i>Major.</i> |
| John W. Hinsdale. | W. F. French. | A. B. Johns. |

Assistant Surgeons.

E. B. Simpson, J. S. Roberson.

Captains.

John W. Pitts, A. S. Lancaster, R. F. Dalton, J. D. Kerr, J. R. Gaither, W. G. Watson, L. A. Bristol, G. S. Byrd, Donald McQueen.

First Lieutenants.

John M. Crouch, A. M. Craige, G. Mason, J. B. Williams, J. M. Lawrence, G. R. White, M. G. Tuttle, C. McLellan, A. B. McCollum, F. M. Hamlin.

Second Lieutenants.

G. M. Glass, Thomas A. Parsons, C. B. Pfohl, J. S. Pescud, E. H. Moore, B. F. Gore, J. M. Bandy, Fabius H. Busbee, A. Guy, S. P. Steele, George T. Dula, H. W. Conley, C. S. Love, T. C. Lutterloh, C. A. McFadyen, S. A. Barfield, W. J. Fewel, B. H. Bog, G. W. Yancy, J. H. Shackelford.

FIRST BATTALION—(JUNIOR RESERVES.)

Captain C. M. Hall, Commandant. Four companies. (Officers not obtained.)

SECOND BATTALION—(JUNIOR RESERVES.)

Major J. M. Reese, Commandant. Four companies. (Officers not obtained.)

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